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FOOD AND DRUGS ACT, JUNE 30, 1906
BUREAU OF CHEMISTRY
U. S. DEPARTMENT OF AGRICULTURE

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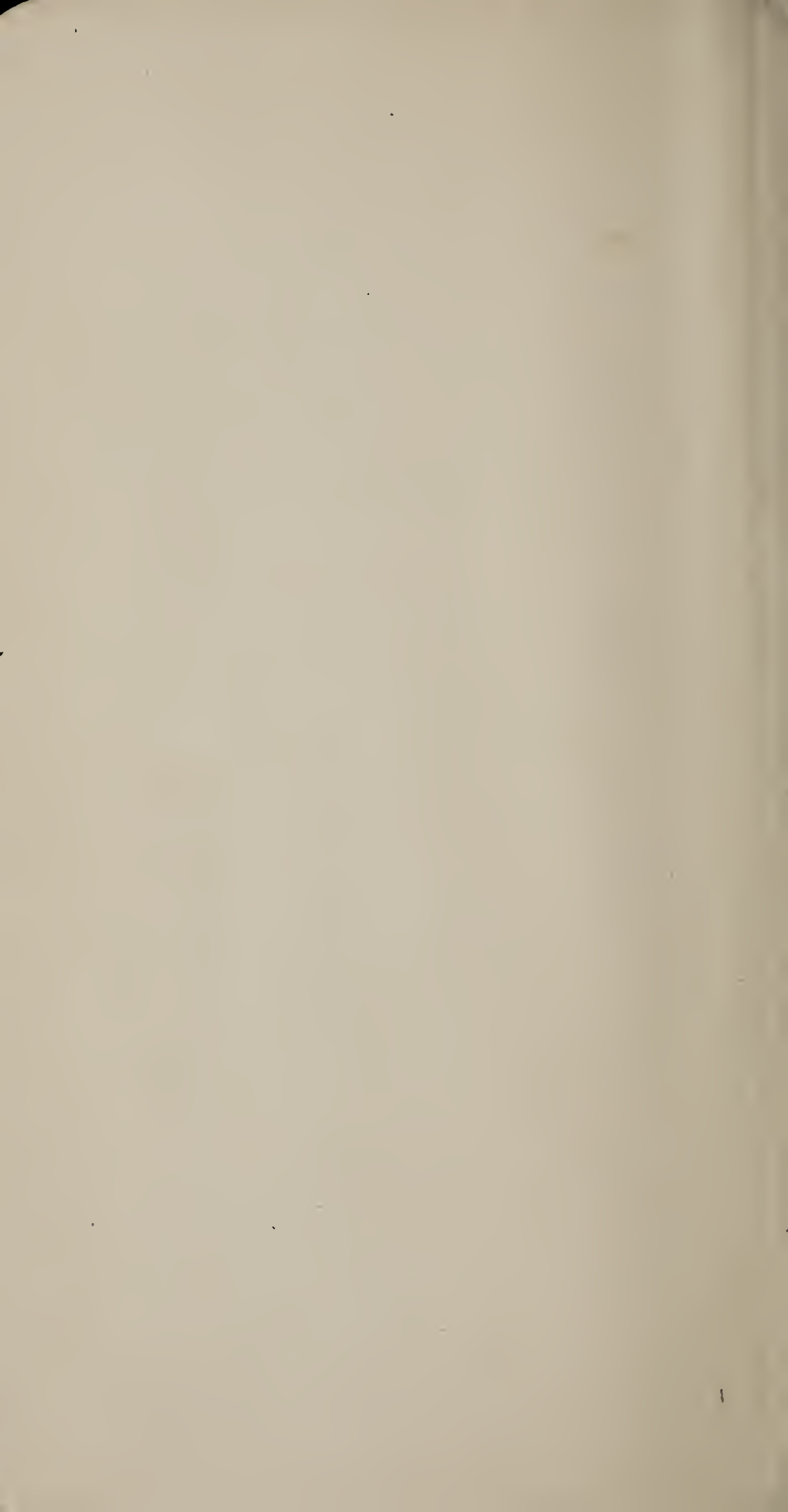
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Issued May 3, 1911.

U. S. DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY.

H. W. WILEY, *Chief of Bureau.*

MANUAL OF INSTRUCTIONS

FOR OFFICIALS, ANALYSTS, AND INSPECTORS
CONNECTED WITH THE

FOOD AND DRUG
INSPECTION

OF THE BUREAU OF CHEMISTRY.

(COMPILATION COMPLETE TO APRIL 7, 1911.)



WASHINGTON :
GOVERNMENT PRINTING OFFICE.
1911.

LETTER OF TRANSMITTAL.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY,
Washington, D. C., January 16, 1911.

SIR: I have the honor to submit for your approval the accompanying manual of instructions for members of this bureau who are engaged in work under the Food and Drugs Act, June 30, 1906. The letter of submittal signed by the committee which prepared this manual sets forth the need for the same, and I recommend that it be published in accordance with their suggestion.

Respectfully,

H. W. WILEY,
Chief of Bureau.

Approved:

JAMES WILSON,
Secretary of Agriculture.

LETTER OF SUBMITTAL.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY,
Washington, D. C., January 11, 1911.

SIR: In accordance with your orders we have prepared a manual of instructions covering the various phases of the work of this bureau in connection with food and drug inspection. The great need of such a manual is emphasized by the fact that the development of the work has necessitated many changes in procedure, and these changes are only available in the form of circulars, which makes it extremely difficult for the laboratory and field men to carry on their work with the degree of intelligence and the promptness that is desirable.

The attached manuscript has been prepared by compiling and collating all of the existing orders, submitting them to criticism, and making such changes as the unification and simplifying of the work seemed to demand.

The procedures regarding imported food and drug products have been submitted to the laboratories concerned for suggestions and criticism which have been considered in the final preparation of the manuscript. The committee desires to acknowledge especially the assistance given by the port laboratories at Boston, Chicago, New York, and Philadelphia, and by the property clerk and the import office, in compiling the material. The committee suggests that this manuscript be printed for the information of the officials, analysts, and inspectors of this bureau engaged in food and drug work.

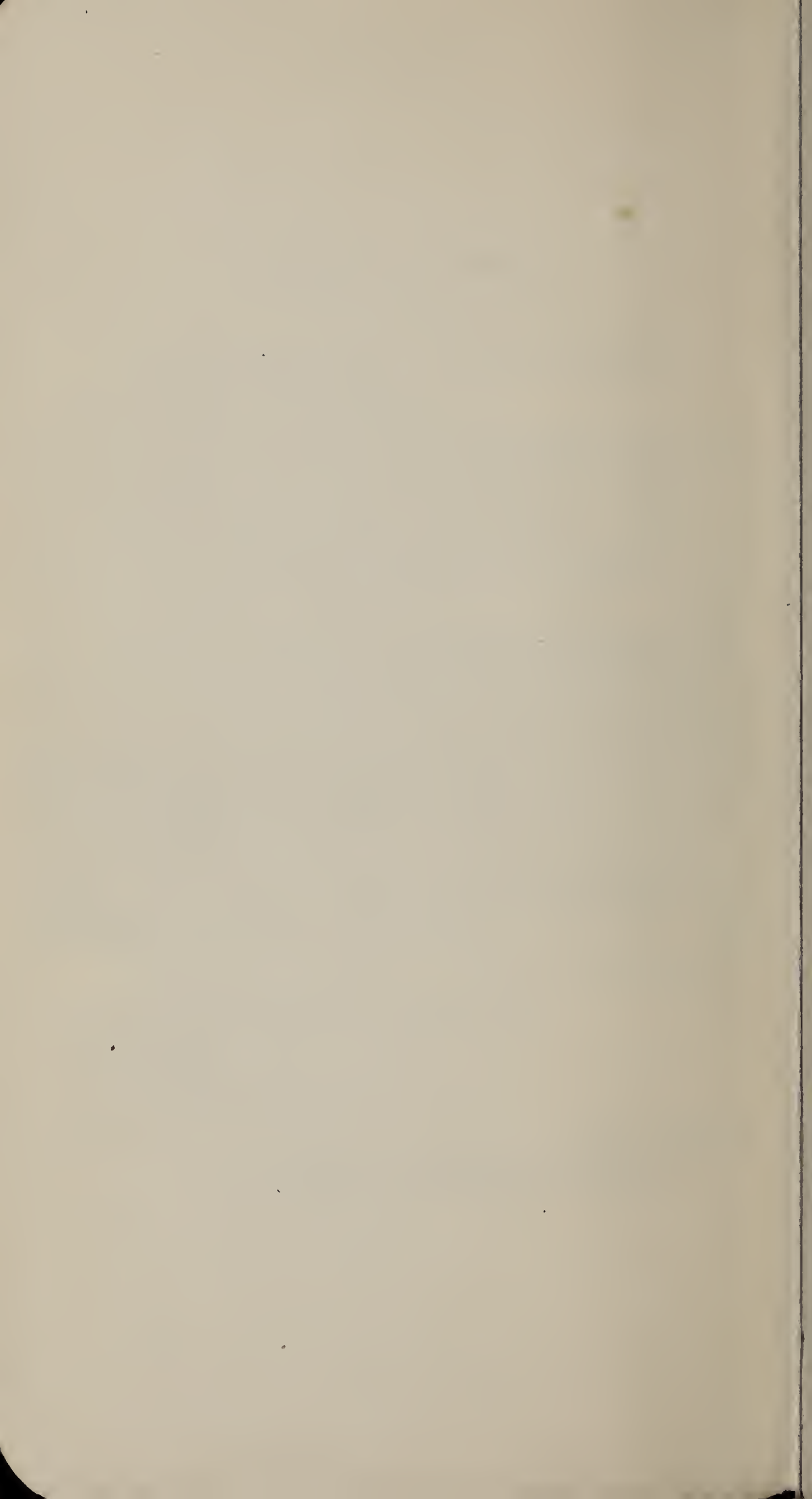
Respectfully submitted.

L. M. TOLMAN,
Chief, Washington Food Inspection Laboratory.

W. G. CAMPBELL,
Chief Inspector.

J. G. SHIBLEY,
In charge, Interstate Records.

Dr. H. W. WILEY,
*Chief, Bureau of Chemistry,
United States Department of Agriculture.*



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MANUAL OF INSTRUCTIONS.

INTRODUCTION.

AMENDMENT OF MANUAL.

This manual is prepared for the guidance of those whose work is connected with food and drug inspection under the Food and Drugs Act, June 30, 1906, and is especially for the use of the men located at the branch laboratories and in the field. It takes the place of all previous instructions and any subsequent changes will refer to the appropriate paragraph and line in this manual which they amend so that corrections may be made herein.

Whenever experience shows that any of the rules laid down are impracticable or objectionable, a written statement should be sent to the chief of bureau giving in detail the objection and reasons therefor. Any proposed new rule must be accompanied by an exact statement of the change, referring to the specific page and line affected. No instructions to laboratory or field men shall be issued which conflict with this manual unless accompanied by such exact statement.

GENERAL INSTRUCTIONS.

Questions regarding labels should be referred to the bureau for reply when not covered by some printed decision.

All information regarding cases will be given out in the official way by Notice of Judgment and in no other way.

Great care should be taken not to make any statement whatever which may be construed as a reflection on any particular firm or class of products, nor to act in any manner which may be considered as discriminating between goods of competing firms. Courtesy in the discharge of all official duties is enjoined, and, while for obvious reasons it is desirable to establish a friendly relationship, at the same time discretion should be exercised in the nature of intercourse with manufacturers, dealers, and the trade generally. Without specific instructions there should be no discussion of the policy of the department or bureau, nor should personal opinions as to the interpretations of the law or regulations be given or comment made upon the import of any prosecution or ruling.

Requests for results of analyses should be forwarded to the bureau.

I. INTERSTATE AND TERRITORIAL SAMPLES.

A. OFFICIAL SAMPLES.

An official sample is one on which prosecution under section 1 or section 2 of the act may be based. When the prosecution is to be directed against a party who received the goods from another State, Territory, the District of Columbia, or foreign country, and the sample is collected from such party, it is necessary that it be an original unbroken package, and this is the only case in which it is necessary that the sample be an original unbroken package.

(1) INSTRUCTIONS TO INSPECTORS.

(a) COLLECTION AND PREPARATION OF SAMPLES.

In harmony with sections 3 and 4 of the Food and Drugs Act, the following regulation was promulgated:

Regulation 3—*Collection of samples* (Effective Nov. 1, 1907).—Samples of unbroken packages shall be collected only by authorized agents of the Department of Agriculture, or by the health, food, or drug officer of any State, Territory, or the District of Columbia, when commissioned by the Secretary of Agriculture for this purpose.

Samples may be purchased in the open market, and, if in bulk, the marks, brands, or tags upon the package, carton, container, wrapper, or accompanying printed or written matter shall be noted. The collector shall also note the names of the vendor and agent through whom the sale was actually made, together with the date of the purchase. The collectors shall purchase representative samples.

A sample taken from bulk goods shall be divided into three parts, and each shall be labeled with the identifying marks.

If a package be less than 4 pounds, or in volume less than 2 quarts, three packages shall be purchased, when practicable, and the marks and tags upon each noted as above. When three samples are purchased, one sample shall be delivered to the Bureau of Chemistry or to such chemist or examiner as may be designated by the Secretary of Agriculture; the second and third samples shall be held under seal by the Secretary of Agriculture, who, upon request, shall deliver one of such samples to the party from whom purchased or to the party guaranteeing such merchandise.

When it is impracticable to collect three samples, or to divide the sample or samples, the order of delivery outlined above shall obtain, and in case there is a second sample the Secretary of Agriculture may, at his discretion, deliver such sample to parties interested.

All samples shall be sealed by the collector with a seal provided for the purpose.

In order to carry into effective operation the various provisions of this regulation a uniform system of collection and handling of samples has been devised, the detail of which is described hereafter. The samples obtained for examination may be of several classes, such as official, unofficial, and research; and while only the former of these can be used directly in enforcing the provisions of the law, it is often necessary to collect the two latter classes for information or investi-

gation, which may lead to the institution of appropriate action necessary to correct a violation. An explanation should be given in the report on collection when it is impracticable to collect three subdivisions.

(x) GENERAL FOOD AND DRUG SAMPLES.

SEALS.

The seals provided for inspectors are of two kinds:

First, the regulation paper seal bearing the seal of the department, together with a space for noting the I. S. number, date of collection, and the name of the inspector. Each seal which is used upon the sample must bear these notations in the handwriting of the inspector, either in ink or with an indelible pencil; neither initials nor stamps will be sufficient for this purpose.

The seals should be so affixed that the sample may be opened by the analyst without destroying the identifying marks. Care should be exercised in placing them on the package, in order to prevent the breaking of the seal in transit. Reading matter contained on the label or stickers of the package should not be obliterated by the seals. If it is impossible to use the seal on a unit package without effacing the label or design, each unit should be numbered and initialed by the inspector and the subdivision securely wrapped in an outer covering, and the seals attached to this, after writing thereon the substance of the sample.

In the case of samples which are composed of a number of units, as is required in the collection, for instance, of flavoring extracts, each unit, bottle as well as carton, should be initialed by the inspector, marked with date of collection, and designated with the proper I. S. number, after which the number of such units required for one subdivision of the sample can be collectively wrapped into a single package to be properly sealed with the paper seals. When such subdivision has been prepared in this manner, the name of the product should be plainly written on the wrapper, and if the package is of such a nature that metal seals must be employed, the name of the inspector and date of collection should also be stated. The inspector in this manner will be able to identify not only the subdivision of the sample, if submitted as an exhibit in court, but each unit contained therein.

Frequently on bottled samples which are encased in cartons there are labels on both the bottle and carton which are not exactly alike. In the preparation of cases based on such samples it is necessary to refer to and quote the objectionable label or descriptive matter on the bottle or carton, or both. If the original analysis was made in a branch laboratory and the bureau is in possession of the check sample only, quotations can be made from the carton alone, should the seals be applied to the carton instead of the bottle. Otherwise it will be necessary to break the seals on the package and compromise its use as a check of the previous examination. In the case of such samples the inspector should seal the bottle and not the carton, writing initials, I. S. number, and date of collection on the carton, as well as on all booklets, circulars, and other accompanying literature. These instructions are particularly applicable to drug samples.

When collection is made in original packages, it is often necessary for an inspector to purchase a box containing several units. In such instances each of the units should be sealed with paper seals as if it were an entire subdivision of the sample.

When the original package is a barrel, it is necessary to seal the bung-hole or other orifices, in which case the seal should be protected by means of a strip of tin or some similar product.

Second, metal seals.—Each inspector is provided with a supply of lead seals and a punch, on one die of which is impressed the seal of the department, and on the other die the initials of the inspector. These seals are to be used in the preparation of packages where it is impracticable to use the regulation paper seal, as, for instance, in shipments of sacks of flour, or bulk goods which are packed in boxes, cans of frozen liquid eggs, and bacteriological samples generally. The inspector should indicate with some sharp-pointed instrument on the side of the lead seal bearing his initials the I. S. number of the sample and the date of collection, expressed by figures. Frequently the said designation can not be made plain in this manner, and to avoid confusion in handling there should be attached to the cord to which the seal is affixed a tag of pasteboard, or some similar material, upon which has been written the I. S. number, date of collection, and name of inspector. The punch is incased in a leather cover which will accommodate a number of the lead seals, and should be safely kept by the inspector, whether at headquarters or on a route.

SUBDIVISIONS.

Ordinarily the size of packages in which articles of food and drugs are marketed is convenient for collection purposes. The preparation of a sample when several units are required for each subdivision has been described in the foregoing. Occasionally the market package contains a quantity considerably in excess of that needed for a sample. In such cases the content should be withdrawn, subdivided, and submitted in three subdivisions, provided it is practicable and convenient to do so. The original container in such instances should be properly designated and forwarded with the sample. This method can be followed in most cases where the article is a solid and the question of evaporation or moisture content is not to be considered. If the article is a liquid, for instance, as sirup, olive oil, or a similar product, especially if there is some declaration on the package with regard to volume, no subdivision should be made, but the single container should be sealed and forwarded to the laboratory as an undivided sample.

It is impossible to give general instructions concerning every class of samples which should be rigidly adhered to in any instance. Usually the chemist witness is one making check analysis and is located in the branch laboratory nearest the district having jurisdiction. If a subdivision of the sample has not been effected which will permit the inspector to recognize it and thereby establish its identity, it will be necessary to call the chemist making the original analysis from a branch laboratory, possibly in some section remote from the district in which the case is tried, to complete the chain of evidence. In the collection of all samples inspectors should take this fact into consideration and use judgment in the preparation of the subdivisions of the sample. If the cost of the article is not prohibitive, it is the most satisfactory method to collect three unit packages, which will enable the submission of unbroken subdivisions.

The element of expressage should be considered in the collection of certain samples. If the article is cheap, as is the case with stock-food samples of 100 or 200 pound size, and where not more than 3 quarts are needed to make satisfactory analysis, an amount necessary for the three subdivisions should be withdrawn, subdi-

vided, properly sealed, and expressed to the laboratory; the remainder should be emptied and disposed of in such a manner that further sampling would be impossible, in order that the department may not be confronted with the analysis of a portion from the same sack with no assurance that the sample was representative. In any event the sack or container from which the sample was taken should be designated by the I. S. number assigned to the sample, initialed by the inspector, and submitted.

If the sample is taken from a hogshead or barrel, of vinegar or whisky, for instance, it will not be necessary, unless specifically instructed otherwise, to collect the entire package. After the extraction of the quantity necessary for sample, a facsimile of the label on both ends of the package should be made, identified by the I. S. number assigned to the sample, initialed and dated by the inspector, and submitted to the laboratory with the sample.

In case of samples collected in bulk containers bearing statements as to weight or measure of content, which are divided for the purpose of preparing three subdivisions, the inspector should take the weight or measure of content on emptying the container. There may be occasions when it will not be practicable to do this; but whenever practicable it should be done, and if there is any pronounced difference between the actual weight or measure and the marked weight or measure, an original unbroken package should be purchased as an extra subdivision of such sample, to be shipped unopened to the laboratory for official check weight or measure. Furthermore, a number of such packages in stock should be weighed or measured to determine whether the variation occurs as often above as below the stated weight or volume, and the results reported separately under the I. S. number assigned to the sample. A statement that the stock on hand has been weighed should be submitted to the laboratory with the sample and results of this weighing given.

When shipping containers are improperly branded as to weight, measure, or character of content, which statements do not appear on the unit packages, the shipping container, or that portion of it bearing the improper label, should be forwarded with the sample as a matter of evidence, after being properly initialed by the inspector and identified with the sample of unit packages.

Samples of acid or corrosive nature should not be placed in metal containers nor come in contact with any metal parts.

Samples whose moisture content is important, and those of a volatile nature, as well as drug samples containing readily oxidizable oils, should be shipped in containers with tight-fitting covers.

In order to avoid breakage or rupture of seals, due to expansion, the bottles or other containers should not be filled too full.

Samples which are likely to be changed from a solid to a semi-solid or liquid condition during transit should be shipped in wide-mouth glass containers.

Those products which are likely to be contaminated with odors during shipment should be especially packed to guard against such a condition, even to the extent of packing and shipping a single sample.

Collect no sample which has been received by the dealer in an interstate transaction more than 12 months previously.

All subdivisions of a sample should be forwarded by the inspector unless the dealer requests that one be left with him. In such case obtain a receipt from the dealer or person with whom left, and report the fact on description slip, as well as on report sheet, and include the receipt with records of sale and interstate delivery.

(y) SPECIAL CLASSES OF SAMPLES.

The collection of stock feed, water, and bacteriological samples for examination present difficulties which are not encountered in the collection of the usual food and drug samples marketed uniformly in packages.

STOCK FEED.

In the collection of stock-feed samples one complete original package of the feed in question should be purchased.

For grain or mill products in bags or barrels use a "trier" or "sampler," which consists of a tube about 1.5 inches in diameter and long enough to obtain a sample through the package from top to bottom. Place the bag upon its side, insert a trier between the lacings and force through to the bottom, giving a twisting motion to the tube. Withdraw the sampler and empty its contents upon a sheet of clean paper or mixing cloth. A sufficient quantity should be extracted in this manner to amount to 3 quarts, which should be mixed thoroughly on a sheet of clean paper and arranged in the form of a circle. Divide the circle into six equal sectors, numbering the sectors 1, 2, 3, 4, 5, and 6. Place sectors 1 and 3 in a 1-quart jar, place sectors 2 and 5 in another quart jar, and sectors 4 and 6 in the third quart jar. After sealing and labeling, the sample accompanied by the bag, designated with the same I. S. number, should be shipped to the Bureau of Chemistry and the shipping container identified with the letter "M," indicating that it is for delivery to the Miscellaneous Division. Place inside the sack the tag declaring guaranteed analysis, if one was attached to the original package.

In the case of coarse mixed feeds, when the "trier" can not be used, it will be necessary to open the package in a clean place and take portions by hand, an equal quantity from the top, center, and bottom of each package. Thoroughly mix, subdivide, and pack as directed above.

It should be the aim in each case to get an average representative sample and not the best or poorest portion of a package. The tendency of some mixed samples to separate should be carefully noted. In such cases the finer portions may settle to the bottom; therefore special care should be exercised in obtaining a sample, particularly in the mixing.

WATER.

The collection of official water samples should be in the containers in which such product is shipped into interstate commerce. The amount to be allowed to each sample is 12 gallons, and in the event that shipment is not made in containers of this size a sufficient number of bottles or jugs should be collected to give such quantity. Each bottle should be sealed and treated as a single subdivision of an official food sample. In addition to the official samples it is necessary frequently to collect samples at the plant or spring.

Directions for sampling at plant.—In the case of bottled water, seal each bottle and forward enough bottles to amount to 4 gallons. In the case of water used for distilling purposes and distilled water, take 6-gallon samples directly in bottles furnished by the bureau. If it is not possible to sample in this way, use a perfectly clean intermediary dipper. Cork the bottles securely and seal.

- (1) Sample the water before it goes into the distilling apparatus.
- (2) Sample the distilled water.

(3) Sample each of the ingredients used in preparing the mineral waters.

(4) Sample each mineral water.

Directions for taking samples at source.—Fill two demijohns to within one-half inch of neck. Cork securely, tie, and seal.

Obtain sample from source of spring if possible. If found necessary to obtain from tanks, reservoirs, or pipes give definite information in regard to same. Also avoid as much as possible the collection of any deposited silt or sediment.

Fill in as completely as possible the description blank on or accompanying each bottle.

SAMPLES FOR BACTERIOLOGICAL EXAMINATION.

CHARACTER OF CONTAINER TO BE USED—STERILIZATION.

It is absolutely essential that all containers used for collecting samples designed for bacteriological examination should be properly cleansed and efficiently sterilized before use. This may be accomplished by means of either dry or moist heat. Chemical sterilization is objectionable because traces of the agent used may remain to prevent bacterial growth in making subsequent cultures. The same degree of dry heat is less destructive to bacterial life than is moist; thus if dry heat is used the exposure should be of longer duration than with the moist heat. For practical purposes an ordinary baking oven will answer every purpose of a laboratory sterilizer. Glass containers may be readily sterilized by this means, and sterilization can be said to be complete when a pledget of cotton placed with the containers has begun to char or turn brown. An exposure of one and one-half to two hours at 160° to 170° C. (dry heat) will insure sterility.

When moist heat is used, live steam under pressure is preferable. Ordinarily an exposure of from 20 to 30 minutes in live steam at 1 atmosphere pressure (15 pounds to the square inch, at about 120° C.) will completely destroy all germ life. In case the autoclave or similar device is not available, practical sterilization may be accomplished by placing the container in water and continuously boiling for a period not less than one hour. Even this length of exposure will not always destroy "spore-bearing" organisms, which are very resistant to thermal and chemical agents.

Containers once sterilized should be properly protected from contamination by careless handling. They should not be opened or exposed to the air until ready to secure the sample. In the absence of metal or other protecting cases for containers they can be wrapped with several thicknesses of heavy wrapping paper or be provided with muslin caps before sterilization, such covering not to be removed until the time of collecting the sample.

The Bacteriological Laboratory of the bureau will always furnish sterile containers upon request.

Glass-stoppered bottles for liquids (either tincture or salt mouth) and Mason or similar jars for solids are to be preferred when they can be obtained. However, sterilized tin cans, hermetically sealed, may be used instead. Cork is very difficult to sterilize, and for this reason such stoppers should not be used to close containers used for bacteriological investigations. All containers should have close-fitting stoppers or covers so as to prevent leakage and chances of bacterial contamination.

SIZE OF SAMPLE.

Generally speaking, samples for bacteriological examination only should not contain less than 2 or 3 ounces. When chemical or other analyses are desired, larger quantities are necessary. Large samples, 1 pint or more, seem to arrive in better condition, from the bacteriological point of view, and the results of the analysis are generally more representative than when small quantities are received; thus it is desirable to have as large a quantity of any material collected as is practicable for shipment.

DIRECTIONS FOR TAKING SAMPLES.

Samples should be procured in their original containers when this is practicable. These are illustrated by bottled waters, canned goods, and small packages of all sorts and descriptions.

Samples may be classified as liquids and solids. Liquids in general may be collected in the manner usually prescribed for collecting water samples. If the specimen is to be taken from a pump, let the water run from 15 to 20 minutes before sampling. Grasp the bottle near the bottom, remove the stopper, and permit a small stream to enter the bottle until full to the shoulder. Replace the stopper quickly and screw it in tightly. Seal or wire the stopper to prevent its being displaced.

The stopper must be handled only by the top, and the lip of the bottle must not be brought in contact with any object during the manipulation. The stopper should not be laid down nor handled with the fingers except as indicated. Well water should be filled directly from the bucket constantly in use for drawing the water and from no other vessel. Water or other liquids from hydrants, faucets, soda fountains, etc., should be taken after the material has been running some time to insure a fair and representative sample. Should it become necessary to use pipettes, spoons, or other vessels of any kind to remove a sample, these articles should also be properly sterilized before they are used.

In collecting samples of milk, liquids of any kind, or semiliquids from cans, vats, barrels, or other large receptacles, they should be well shaken or agitated to insure uniformity before the sampling is done. Unsterilized utensils, other than those in constant use, should not be employed to stir or mix materials in stationary tubs or other containers.

Every precaution must be observed to prevent the material to be sampled from coming into contact with any receptacle or object, except the sterilized container specially prepared for that purpose. It is extremely difficult to cleanse the hands properly for such work, hence the necessity for the use of rubber gloves which can be properly sterilized; thus in taking specimens for bacteriological analysis the utmost care should be exercised to prevent the fingers from coming into direct contact with the sample or container so as not to increase the danger of contamination. When a sample is not properly taken and prepared, it should be discarded, as it is useless for examination. The strictest observance of all the most minute details becomes necessary in order to insure a suitable and acceptable sample.

(b) CUSTODY OF SAMPLE—PACKING FOR SHIPMENT.

After samples have been sealed and are ready for submission to the proper laboratory they should be carefully packed in a box by using paper, excelsior, or sawdust, in order to guarantee delivery without

breakage. Emphasis is placed upon the importance of giving strict attention to this matter.

It is not necessary that the sealing and packing be done in the store where the sample is purchased, but it is important that the inspector maintain immediate charge of the sample from the moment it is purchased of the dealer until delivered to the express office for shipment. A failure to observe these directions, by following a convenient practice of leaving samples at the hotel unsealed, or having delivery made to the inspector by the dealer after purchase, may prejudice the result of the trial if such facts are developed.

Careful attention must be given to packing bacteriological samples. Those collected in their original containers may not require the use of ice. However, many specimens properly collected may be ruined unless a generous quantity of ice is used to inhibit bacterial development during transit from one place to another.

Such materials as water, milk, shucked oysters, clams, etc., require thorough packing in ice to keep them in a proper condition for analysis. Even under the best conditions practicable bacteria may multiply during transit so as to render the results useless. This is illustrated by the shipment of liquid eggs after they have been permitted to thaw in the cans in which they were originally packed. Such material should not be allowed to thaw nor to stand any length of time before shipment. The cans should be recased at once with sufficient ice packed around the original unopened containers to prevent them from thawing until they reach their destination. The quantity of ice necessary for packing will vary according to the distance, season of the year, and the conditions attending shipment. When refrigerator cars are used, of course, less ice is necessary. Express companies will reice all perishable products as many times as necessary when a request is made on the bill of lading, and such request should be made in shipping perishable samples from a point where one icing will not suffice.

Shipping containers of food samples forwarded to the Bureau of Chemistry should be marked in the upper right-hand corner with the letter "F" in large type; those containing drug samples should be marked "D," and those containing cattle food or water samples marked "M." This does not apply to samples shipped to the branch laboratories, nor to research samples for other divisions or laboratories in the Bureau of Chemistry, which should be sent direct to the division or laboratory making the request. In the case of shipment to other laboratories or divisions than Food, Drug, and Miscellaneous, the full name of the laboratory should be written instead of being indicated by a letter as directed above. All packages, whether expressed to the bureau or to branch laboratories, should bear in the upper left-hand corner the name of the inspector and the point from which shipped.

All samples designated for bacteriological examination should be plainly labeled and specially marked as follows: "For Bacteriological Examination," "Perishable," or "Rush."

Delivery to express office for shipment should be made by the express company's delivery wagon, or, if this is impracticable on account of time, and it is necessary to employ an independent express, the delivery should be made in a manner that will enable the inspector to testify that the samples were constantly under his personal supervision.

The ruling of the solicitor, to the effect that all cases must be referred to him for recommendation within three months after date

of collection, requires the handling of each sample in the most expeditious manner. For this reason samples should be shipped to laboratories on the day of collection or as soon thereafter as possible.

(c) REPORT ON COLLECTION.

(x) INSPECTOR'S DESCRIPTION OF SAMPLE BOOK.

The books provided for the report on collection of sample contain, first, description sheet, which is in duplicate; second, dealer's receipt; and, third, blue slip. Each book provides for the collection of 50 samples.

The description sheet is as follows:

DESCRIPTION SHEET.

I. S. No.....191.. Sold as.....

Label.....

.....

Bought by dealer of.....

Dealer.....

.....

Salesman..... Price paid.....per.....

Bought by.....on.....at.....

a. m.

p. m.

Delivered to.....on.....at.....

a. m.

p. m.

Remarks.....

(Give label on box or shipping case if sample is taken from unbroken package.)

.....

.....,

Inspector.

The number indicated in the upper left-hand corner is the one to be assigned to the sample. These numbers are printed serially in the preparation of the book and will begin anew each fiscal year with a different letter (*a, b, c, et seq.*) to designate each annual series. In filling out these sheets the writing should be distinct and legible. The carbon copy should be mailed at once to the laboratory to which the sample is shipped, provided shipment is made to branch laboratories. If the sample is forwarded to the Bureau of Chemistry, the description slip should be mailed to the Bureau of Chemistry without indicating any particular laboratory. Samples are reported and indexed from this carbon sheet, and omission of required information or failure to use fresh carbon paper will delay consideration of the sample until the blank has been returned to the inspector for corrections.

In the perforated margin are six coupons bearing the same number as the slip, one of which is to be pasted upon each subdivision of the sample, the remaining coupons to be attached by a clip to the duplicate slip and mailed to the laboratory in order that the chemist may use them in subdividing portions of the sample.

Write plainly the label of sample, giving the full name and address of manufacturer, and guaranty and serial number, if any, and include as quotations all important statements made on the label. If enough space is not provided, continue the label on the back of description slip.

State plainly the name of the dealer, giving address in full; if a corporation, it is only necessary to give the corporate name; if a

partnership, the initial name of each partner should be included. In the space following the words "Delivered to," state the name of the express company and include in parentheses thereafter the laboratory to which the sample is shipped.

DEALER'S RECEIPT.

The dealer's receipt serves as an official record to establish the identity of the sample sold to the inspector with a particular shipment covered by submitted records of sale and interstate delivery. The information contained thereon is to be used in the preparation of the cases before reference to the Department of Justice and inspectors should use the utmost care in the preparation of this memorandum, since it will serve as an authentic statement signed by the dealer, setting forth facts which can be adduced as testimony in the event that a prosecution is based upon the sample. It does not always follow that the dealer who signed the receipt will be the witness required to prove an interstate delivery, and for that reason the receipt provides for the insertion of the name of the party connected with the firm who can give such testimony. It is necessary to show in the preparation of summaries of cases in the bureau whether the shipment represented by the sample was seized; and if so, whether the sample was collected prior or subsequent to seizure. Under "Remarks" a statement should be made indicating the action, if any taken, under the provisions of section 10. If the report is prepared before the attachment of the goods, it will be impossible, of course, to make any declaration and will be sufficient in that instance for the inspector to state that he has recommended seizure.

[DEALER'S RECEIPT.]

Date..... I. S. No.

Received of.....inspector, \$. in payment for sample
of.....which can be identified by.....
of this firm with shipment ordered from.....through
(Name and address.)

.....and covered by submitted {copy of}
(Broker or agent.) {original} invoice

dated.....and shipping memo dated.....issued by.....
(Common carrier.)

Pro. No. Product was received from.....
(Consignor—name and address.)

and guaranteed in the form of..... Other samples covered by same
records are I. S. Nos.

..... Dealer.

Remarks.....
(State seizure action, if any, on shipment.)

BLUE SLIP.

The inspector should give the date and fill in the spaces under "Substance" and "To whom sent," forwarding the slip immediately to the bureau under separate cover from that including shipping records and report on collection.

(y) REPORT SHEET.

After a sample has been examined and reported either as adulterated or misbranded, the case based thereon is referred to the office of the chief inspector for a statement as to the evidence which can be submitted to show interstate delivery or for a report which will indicate any irregularities concerning the collection which might invalidate the sample. For information in preparing this statement inspectors are required to submit a report, for which purpose they are provided with blank report sheets as follows:

United States Department of Agriculture,
Bureau of Chemistry.

INSPECTOR'S REPORT ON COLLECTION OF I. S. No.

I have collected sample of
(Name of product.)
from
(If partnership, give names.) (Address.)
on, 19.., and delivered it to
as agent for at, on, 19..,
(Name of carrier.)
for transportation to F. and D. Laboratory at
Sample consisted of
taken from Was identified
(Shelf stock, shipping case, or warehouse.)
by of the firm, who can testify that it
was from a shipment received by dealer on
I submit as evidence of sale copy of, original invoice dated
19.., and issued by
(Vendor.) (Address.)
As evidence of interstate shipment I submit copy of, original
(Form of
..... issued by
shipping memo.) (Name of common carrier.)
dated, 19.., Pro. No., showing shipment from
Name of station agent at point of destination
Name and address of auditor or other railroad official in whose posses-
sion original waybill or bill of lading is kept
Preparation of sample:
.....
Remarks:
(If the person from whom sample was purchased and the person identifying
the sample with the records were not the same, give name of each and memorandum
of testimony.)
.....

Respectfully,
....., Inspector.

The preparation and submission of the foregoing is intended to give a brief history of the sample, including the circumstances attending its sale, shipment, and delivery.
District attorneys very frequently request the names and addresses of employees of the railroad over which shipment was made in order that subpoenas may be issued to such parties requiring them to produce original waybills or other records necessary to establish an interstate transaction. In the space provided for that information the

inspector should always include the name and address of the station agent at the point of destination, and by inquiry of the said agent ascertain and report the name and address of the auditor or other official to whom the original waybill or similar record is referred for filing after the consignment has been delivered to the consignee. A subpoena *duces tecum* issued upon the auditor does not necessarily require his personal attendance as a witness. The attendance of some clerk in the office with a knowledge of the records will suffice. If the inspector is unable to collect the evidence required to fill in all the blanks, a statement to that effect should be made. If there are further transactions not provided for in the report which might be material in preparing and prosecuting the case, they should be given in the space following "Remarks." If the sample is shipped to a branch laboratory and the inspector requests consideration with a view to making a seizure, the label from both the unit and the shipping package should be quoted, provided the produce is so packed. The report is to be prepared in duplicate and forwarded to Chief Inspector, Bureau of Chemistry, *immediately after collection and shipment of sample*.

(2) RECORDS NECESSARY TO ESTABLISH LEGALITY.

Federal courts have jurisdiction in the District of Columbia and Territories. Samples collected within such districts are competent for the institution of prosecutions against the dealer, and it is necessary to establish only that such person sold or offered for sale the article which is charged to be adulterated or misbranded. If the sample has been received, however, by the dealer in shipment from some other Territory or the District of Columbia, or from some State, it should be treated as an interstate sample.

Two parties are primarily liable in case of interstate samples, the consignor being the party who shipped or delivered for shipment, and the consignee, provided the sample after having been received by the latter was sold in the original unbroken package. Most criminal prosecutions are directed against the consignor. For use as evidence to establish the interstate shipment, or delivery for shipment, the original or a copy of the invoice covering the consignment from which the sample was taken, should be submitted; also bill of lading, freight receipt, freight bill, manifest, or some other shipping memorandum. These records should be complete in the case of each sample. A single invoice or freight bill, original or copy, is not sufficient for two or more samples. If, however, two or more samples, whether of like or different products, have been collected from a shipment covered by the same invoice, the original or copy of invoice, submitted as evidence of sale in the case of that particular sample, should also show the I. S. numbers of the other samples. This is for the information of the bureau in considering the other cases and the advisability of uniting all under a single action. If several samples are taken from one shipment and the original invoice or shipping memorandum is procured, make copies of the record for all but one of the samples, and on the dealer's receipt accompanying each copy of such record indicate the I. S. number of the sample with which the original was submitted. Dealer's receipts, which are included in Inspectors' Description of Sample Books, serve to establish the identity of the sample with a definite shipment.

If the sample has been ordered by mail, either by the inspector direct or by the dealer acting as his agent, payment therefor should

be made by check or post office money order, a copy of which should be retained and submitted with complete correspondence and the portion of the package bearing address and canceled stamps (in the event delivery also was made by mail), together with all other records required in proving sale and interstate delivery.

In addition to the testimony of the inspector regarding collection, it will be necessary, in prosecutions against the consignor, to have some person connected with the dealer firm appear as a witness and identify the sample with the shipment covered by the invoice and shipping memorandum submitted, unless the inspector can testify to such facts from having himself seen delivery of the goods by the common carrier. An inspector should collect no sample, except in case of unofficial samples, until after he has ascertained whether the records necessary to establish interstate delivery can be procured. All records should be submitted to the office of chief inspector without delay and should bear the number of the sample to which they refer, the initial of the inspector for purpose of identification, and, in case of original records, the name and address of the firm or person from whom procured, provided a request is made for their return.

If the interstate transaction consists in a delivery by the consignor's truck wagon, or by express or messenger, from a town in one State to a near-by town across the border in another State, which action does not usually involve the execution of delivery records, the dealer from whom the sample is purchased should be requested to make a written statement of such delivery, giving date, nature of transaction, and name and address of driver or delivery agent.

(d) INSPECTOR'S RECEIPT FOR RECORDS.

In lieu of the original invoice and whatever shipping records he may possess, the dealer is to retain a statement which is prepared by the inspector on forms supplied to him, which are as follows:

U. S. Department of Agriculture, Bureau of Chemistry.

INSPECTOR'S RECEIPT FOR RECORDS.

To be kept by the dealer for future reference if original records are surrendered to the inspector.

Received from....., dealer, an invoice dated.....
and issued by.....of.....
(Consignor.) (Address.)

Also shipping memoranda issued by.....
(Common carrier.)

dated....., which covers consignment including I. S. No.....
.....

Inspector.

Remarks:.....

This memorandum, filed in his invoice book, will account for the original invoice and will enable the dealer to refresh his memory, if it is necessary for him to testify concerning the case, by recalling the circumstances attending the delivery of that record to the inspector when the sample was purchased, or should such record be procured from a jobber at the request of the bureau subsequent to the collection of the sample from a dealer, it will enable the jobber to make correct statements in answering a citation.

(e) SEIZURES.

While section 2 of the act provides for the institution of criminal prosecutions, section 10 enables procedure directly against the product itself by confiscation.

Reports concerning interstate shipments in violation of the act should give amount, full label, name, and address of consignor and consignee, common carrier over which shipment was made, including car number and initial, if possible, in the event shipment is made by railroad. These reports should be submitted by telegram, unless a report by letter will permit apprehension before ultimate disposition.

Products not intended for consumption by the actual producer are liable to seizure while in the course of transportation from one State, Territory, District, or insular possession to another, and also while, after such transportation, they remain unloaded, unsold, or in original unbroken packages. It is immaterial whether the products have passed out of the possession of consignee after arrival at destination, provided they remain in original unbroken packages and can be identified with a shipment from a State, Territory, District, or insular possession to another. Products are also liable to seizure if sold or offered for sale in the District of Columbia or the Territories or insular possessions of the United States, or if they are imported from a foreign country, or intended for export to a foreign country.

A sample should be collected, if possible, whenever an interstate consignment is reported, at the point from which it is shipped, especially if the nature of violation is adulteration or some form of suspected misbranding, which must be determined by an analysis. This course is not necessary where the misbranding is self-evident or the inspector is in possession of sufficient facts to support the charge. After collecting the sample it should be forwarded to the most convenient laboratory. This will permit an examination to be made and enable the bureau to refer the matter for seizure while shipment is in transit or shortly after its delivery. Such sample will not be considered an official sample and is not subject to the requirements prescribed under that head. If reported from the point of destination and the product is in possession of consignee, an official sample should be collected. In either event the report should include the number of such sample and name of the laboratory to which delivered. For the preparation of the report on such sample, see instructions under "(y) Report Sheet," page 22.

Upon the indorsement of a recommendation for seizure, a request is made of the district attorney having jurisdiction to prepare a libel. Simultaneously the inspector is notified by telegram to confer with the district attorney. After libel is prepared and monition is issued it is the duty of the inspector to accompany the marshal for the purpose of identifying the goods. Inspectors are not required to supervise storage or disposition of the libeled product after service of monition further than to make proper suggestions to the United States marshal in the event that the product is of a perishable nature.

If an official sample was collected before seizure it is not necessary to duplicate or collect an additional sample after seizure unless specifically requested in the telegram which directs the inspector to confer with the district attorney. Should the sample be sent to a branch laboratory the bureau upon the receipt of inspector's report will ask that examination be rushed and results submitted by telegram. The inspector, therefore, should quote the label under "Remarks" in his report on collection.

Copies of libel and monition should be procured and forwarded, if they can be obtained conveniently, as well as any motions or

orders of court which are pertinent to the case. A written report should be made immediately after the consummation of each seizure.

The duties of an inspector do not terminate with the attachment of a shipment, nor even with the release of such goods under bond, as provided for in section 10 of the act. Where shipments are released under bond, which guarantees the disposition of the product in conformity with the Federal and State laws, an effort should be made to ascertain whether the stipulations of the bond have been complied with. If it is evident that the original offense has not been corrected and the product which was seized and released is being sold without regard to the judgment of court, inspectors should collect samples and procure positive proof identifying such sample with the shipment originally seized, deliver the sample to the most convenient laboratory, and report to the bureau in order that a suit on the bond may be instituted against the claimants and bondsmen.

(f) PRODUCTS TO BE SAMPLED AND AMOUNTS OF SUBDIVISIONS.

Laboratories have had a great deal of difficulty in the examination of samples of various products on account of the lack of uniformity in allotting the required amount to the various subdivisions. This confusion would be eliminated if it were possible to give a permanent list of the products collected, indicating the amount to be assigned to the analyst's subdivision, as well as the amounts for the normal subdivisions. The tabulated list which follows gives those products which inspectors have been requested to collect either in the form of general collection on every inspection trip, or in the form of special assignments to a limited number. This tabulation can not include a statement which will indicate the circumstances under which the various products are to be sampled. For instance, in the case of coffees, the letter of instructions requested the collection of those coffees which were labeled as "Detannated," or which were labeled as "Mocha," "Java," or a blend of "Mocha and Java," and at the same time it directed the shipment of all official samples of such coffee to the New York laboratory instead of the laboratory to which the inspector was sending his samples at that time.

Further, the list gives the amount to be allowed to subdivisions of flour, including gluten, buckwheat and rye flour. As far as the quantity required for making proper analysis, 1 pound is sufficient. It is preferable, however, to collect three market packages for the advantage accruing in having the full label to consider with each subdivision. If the packages are unnecessarily large the sample should be subdivided and the original container, properly identified, submitted with it to the laboratory. Whenever the shipment is made in bulk or in barrels, the inspector should allow 1 pound to each subdivision.

In the case of samples for bacteriological examination, such as canned liquid eggs, if practicable, ship a single market package, in order that there may be no possibility of further pollution or contamination due to a subdivision by the inspector. Such samples should not be collected in triplicate unless specific instructions are given to the contrary.

Whenever a sample not included in the general list of products to be sampled is collected, and the action is prompted by a patent misbranding or some form of adulteration is suspected, the inspector should include with his report on the collection of sample that is forwarded to the office of the chief inspector a memorandum explaining the reasons which prompted him to collect the sample and at the same time transmit similar information to the laboratory.

The regular list of drug products to be sampled is limited. Special instructions have been given for the regulation of the collection of such samples to be examined by branch laboratories. Inspectors should report any drug which, in their opinion, is adulterated or misbranded, provided such product is not included in the list given, and request specific instructions with reference to the collection of a sample.

Directions will be given periodically to cease the collection of certain articles and to obtain samples of new products. At the same time the amount to be allowed for analyst's and other subdivisions will be indicated. These products and the amounts stated should be enumerated in the blank space given on page 126. 30

Products to be sampled and amounts of subdivisions.

FOOD PRODUCTS.

| Products. | Analyst's subdivision. | Normal subdivision. |
|---------------------------|----------------------------------------------|----------------------|
| Flavoring extracts..... | 8 ounces..... | 4 ounces. |
| Essential oils..... | $\frac{1}{2}$ pound..... | $\frac{1}{2}$ pound. |
| Flour {Gluten..... | 1 pound..... | 1 pound. |
| {Buckwheat..... | | |
| {Rye..... | | |
| Honey..... | 1 pint..... | 1 pint. |
| Jelly..... | Market package..... | Market package. |
| Preserves..... | do..... | Do. |
| Fruit butter..... | do..... | Do. |
| Sirups {Maple..... | do..... | Do. |
| {Cane..... | | |
| Molasses..... | do..... | Do. |
| Jams..... | do..... | Do. |
| Breakfast foods..... | do..... | Do. |
| Olive oil..... | 1 pint..... | 1 pint. |
| Grape juice..... | Market package..... | Market package. |
| Wine..... | 1 quart..... | 1 quart. |
| Vinegar..... | do..... | Do. |
| Coffee {Detannated..... | 1 pound..... | 1 pound. |
| {Mocha..... | | |
| {Java..... | | |
| Ground pepper {White..... | Market package..... | Market package. |
| {Black..... | | |
| Spices..... | do..... | Do. |
| Ketchup..... | 1 quart..... | 1 quart. |
| Evaporated fruits..... | 1 pound..... | 1 pound. |
| Cocoa..... | Market package..... | Market package. |
| Chocolate..... | 1 pound..... | 1 pound. |
| Condensed milk..... | 2 market packages..... | Market package. |
| Liqueurs..... | 1 quart..... | 1 quart. |
| Cheese..... | If bulk, 1 pound, otherwise, market package. | Market package. |
| Butter..... | 1 pound..... | 1 pound. |
| Water..... | 6 gallons..... | 3 gallons. |
| Stock feed..... | 1 quart..... | 1 quart. |

DRUG PRODUCTS.

| | | |
|---------------------------|--------------------------|----------------------|
| Tincture of iodine..... | $\frac{1}{2}$ pound..... | $\frac{1}{2}$ pound. |
| Laudanum..... | 1 pound..... | 2 ounces. |
| Spirit of nitrous ether.. | 1 pound..... | 2 ounces. |
| Sirup of ferrous iodine.. | 1 pound..... | 2 ounces. |
| Hydrogen dioxid..... | 1 pound..... | 1 pound. |
| Jalap (total resin)..... | 1 pound..... | $\frac{1}{2}$ pound. |
| Asafoetida..... | 1 to 5 pounds..... | 1 pound. |
| Hydrastis..... | 1 to 2 pounds..... | 1 pound. |
| Belladonna leaves..... | 1 to 2 pounds..... | 1 pound. |
| Belladonna root..... | 1 to 2 pounds..... | 1 pound. |
| Nux vomica..... | 1 to 2 pounds..... | 1 pound. |
| Coca leaves..... | 1 to 2 pounds..... | 1 pound. |
| Uva ursi..... | 1 to 2 pounds..... | 1 pound. |
| Juniper berries..... | 1 to 2 pounds..... | 1 pound. |
| Cubeb berries..... | 1 to 2 pounds..... | 1 pound. |

(g) DUPLICATE SAMPLES.

The same methods are to be observed and reports prepared in collecting duplicate samples as in original official samples. Such samples are collected on request only, the communication indicating the I. S. number of the original. Immediately above or below the I. S. number on the inspector's description slip of the new or duplicate sample should be given the I. S. number of the original sample, preceded by the words "Duplicate of."

(h) EXPORT SAMPLES.

If an action is taken upon a sample from a shipment intended for export, it is necessary to establish, by the production of proper records, the delivery of shipment to a particular carrier for that purpose, name and address of exporter, name of consignee, and point of destination.

(i) WEEKLY REPORTS.

Each inspector is supplied with weekly report cards, which are intended to be a brief but accurate itemized statement of his movements. For the purpose of keeping the bureau informed of his work, and in order to reenforce his testimony on the witness stand, this report should contain as complete a description of the inspector's movements as the limited space on the card will allow. The name and address of every firm visited should be stated, with some indication of the action in each case; for instance:

Monday, January 10, 1910. Smithville, Ind.

Jones & Co. (Sample 27301-B.)

Smith & Co. (No sample.)

Brown Manufacturing Co. (Inspected.)

Such general statements as "Spent the day canvassing grocery stores for samples," "Inspected four factories," etc., are not sufficient. It is often necessary to refer to these weekly reports in auditing expense accounts, and to enable the bureau to audit the voucher and forward reimbursing check promptly the inspector should mail the report to the office of the chief inspector immediately after the conclusion of the week's work.

(j) FACTORY INSPECTION.

Among the important duties of inspectors is the supervision of the manufacture of foods and drugs, to determine particularly the character of the raw material from which the product is manufactured and the conditions under which it is prepared, with especial reference to sanitary features; also the extent of sophistication or misbranding at the factory. Complete answers should be given to all questions in the factory-inspection report blanks, the form of which for general factory inspection is as follows:

INSPECTION OF FOOD AND DRUG FACTORIES.**GENERAL.**

Name of manufacturer.....
 Location of factory.....
 Post-office address of factory.....
 Class of products manufactured.....

 Sanitary surroundings of factory.....

Number of employees.....

Health of employees (tuberculosis, etc.).....

Cleanliness and dress of employees.....

Provisions for health and comfort of employees.....

Cleanliness and sanitary condition of factory.....

Location and condition of toilet rooms.....

Kind and condition of floors.....

Condition of walls and ceiling.....

Light.....

Ventilation.....

Condition of storage rooms.....

Kinds of raw materials.....

Source of raw materials.....

Condition of raw materials.....

Preservatives used, if any, and in what.....

Artificial colors used, if any, and in what.....

Are any other materials used that require declaration? If so, what?.....

Are any materials used in violation of the law, if so, what?.....

Kinds of products manufactured.....

Amount of output.....

Purity of products.....

Sanitary condition of products.....

Are products labeled in conformity to law?.....

General remarks and criticisms.....

Name of inspector..... Date.....

In the case of inspection of dairies and creameries a special form has been prepared, which is as follows:

INSPECTION OF DAIRY-PRODUCT FACTORIES (INCLUDING CREAMERIES).

Name of manufacturer.....
Location of factory.....
Post-office address of factory.....

MATERIALS USED IN MANUFACTURE.

| | | |
|------------------------------------|---|------------------------|
| Apparent quality of the milk used | { | As to cleanliness..... |
| | | As to freshness..... |
| Apparent quality of the cream used | { | As to cleanliness..... |
| | | As to freshness..... |

What proportion of the milk or cream used is known to be from cows certified by a veterinarian as free from tuberculosis?

Is the milk or cream pasteurized?.....

If so, at what temperature and for how long a time?

Style of the pasteurizing apparatus used; temperature attained, and time held thereat?.....

Is homogenizing practiced at any stage of the manufacture?.....

Is it employed for making an artificial or adulterated product?.....

State all relevant facts.....

What is the general grade of packing stock (butter) for renovating or ladling?
(State faults).....

Is it $\begin{cases} a. \text{ Recently collected?} \\ b. \text{ Stored?} \end{cases}$

Is it } b. Stored?

| | |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------|
| Source and condition of the water | { <i>a.</i> The materials or the product..... <i>b.</i> The utensils, separators, vats, churns, etc.... |
| used in washing. | |

used in washing. } b. The utensils, separators, vats, churns, etc. . . .

Are all utensils properly rinsed, scalded, and aired?.....

Describe method for cleansing receptacles. If steam is used, state in what manner and for how long.....

Source of air for blowing the butter oil.....

FINISHED PRODUCTS.

Name of the finished product or products (i. e., cream, butter, ice cream, renovated butter, casein, etc.), stating apparent quality of each.

Name of the finished product or products (i. e., cream, butter, ice) *b.*

cream, renovated butter, casein, etc.), stating apparent quality {c.

| | |
|----------|-----------------|
| of each. | <i>d.</i> |
|----------|-----------------|

Name of inspector..... Date.....

The information required in the inspection of water-bottling plants and springs is not covered by the preceding factory inspection reports, and special reports are prepared for this purpose, which, in the case of an inspection of the manufacturing plant, is as follows:

SANITARY INSPECTION OF WATER MANUFACTURING PLANT.

Date of inspection.....

City..... State.....

Street..... Number.....

Business name of establishment.....

Name of owners.....

FACTORY AND ITS CONDITIONS.

What is the daily capacity of the plant?.....

Name the waters manufactured and give their trade-marks.....

Construction of distilling room.....

Cleanliness of distilling room.....

Light and ventilation of distilling room.....

Construction of mixing room.....

Cleanliness of mixing room.....
 Light and ventilation of mixing room.....
 Construction of carbonating room.....

 Cleanliness of carbonating room.....
 Light and ventilation of carbonating room.....
 Construction of bottling room.....

 Light and ventilation of bottling room.....
 Are the employees cleanly in person and habits?.....
 How are the bottles cleaned?.....

 How are the bottles filled?.....

 What is the source of the water that is distilled?.....

 Cleanliness of distilling apparatus.....
 Name of inspector..... Date.....

DIRECTIONS FOR SAMPLING WATER AT PLANT.

In the case of bottled water, seal each bottle and forward enough bottles to amount to 4 gallons.

In the case of the water used for distilling purposes and the distilled water, take 4-gallon samples directly in the bottles forwarded by the Department of Agriculture. If not possible to take in this way, use a perfectly clean intermediary dipper.

Cork the bottles securely and seal.

- (1) Sample the water before it goes into the distillery apparatus.
- (2) Sample the distilled water.
- (3) Sample each of the ingredients used in preparing the mineral waters.
- (4) Sample each mineral water.

The sanitary inspection of the spring or source of waters is to be reported on the following form:

SANITARY INSPECTION OF SOURCE OF WATERS.

Miscellaneous Laboratory No..... I. S. No.....
 Name of spring.....
 Location.....
 (Township.) (County.) (State.)
 Name and address of owners.....

 Temperature.....° F. or° C.
 Approximate flow gallons per second.
 Is the water bottled for sale?.....
 How much of the water is sold per year?.....

CHARACTER OF SURROUNDINGS.

Proximity of human habitations.....
 Proximity of cesspools.....
 Proximity of manure heaps.....
 Proximity of stables.....
 Proximity of hogpens.....
 Proximity of privies.....
 How near are the slops of the house emptied to the source of water supply?.....

Are the above sources of possible contamination uphill or downhill from the spring?

Does there seem to be any possible way for any of the above sources of possible contamination to drain into the spring?

Is the spring protected from surface contamination, and if so, how?

Report any further facts concerning the sanitary surroundings of the spring.

If the water is bottled, how are the bottles cleaned?

Is the bottling house clean and in good sanitary condition?

Are the employecs cleanly in person and habits?

Do any of the employees seem to be suffering with tuberculosis?

Name of collector.....

Date of collection.....

DIRECTIONS FOR TAKING SAMPLES FROM SOURCE.

Fill two demijohns to within $\frac{1}{2}$ inch of neck. Cork securely, tie, and seal.

Obtain samples from source of spring if possible. If found necessary to obtain from tanks, reservoirs, or pipes, give definite information in regard to same. Also avoid as much as possible the collection of any deposited silt or sediment.

Fill in as completely as possible the description blank on each bottle, and also this blank.

A careful factory inspection will often reveal conditions which would deny the output entrance into interstate commerce, because of adulteration or because of the use of unsound, filthy, decomposed, or contaminated raw material. It may also reveal information which will be of value to the chemist in making his analysis of the product in any particular shipment.

In preparing these reports the inspector should be careful not to estimate a condition as being "good," "fair," "bad," etc., but should describe the exact state existing, so that it may be possible for the reader to draw his own conclusions and pass judgment. Whenever possible photographs should be taken during factory inspection, as these will illustrate better than any word description the conditions found. An inspection of all factories should be made each year if a visit to the particular locality by the inspector and the nature of his pending work will permit. Wherever information not covered by the various captions of the inspection report is to be given, the inspector should write a separate letter or insert sheet, inclose it in the report, and forward same to the office of the chief inspector.

(k) ROUTES.

For the purpose primarily of collecting samples, and further to give the inspector an opportunity to report the general conditions existing throughout a definite territory, inspection routes are prepared, giving a complete schedule of towns and an assignment of dates. Fiscal regulations require that, before the expense of performing travel can be incurred, there must be, in addition to the general letter of authorization, a specific letter of instructions from the chief of the

bureau. This requires the designation of a route in advance. The fixing of dates is made imperative because it is necessary to be able to locate inspectors at any time. District attorneys frequently request the appearance of inspectors as witnesses to testify either before a grand jury or at the trial of cases based on samples collected by them, and do not always give sufficient time to permit the transmission of this information by letter. Instructions with regard to special assignments are often made by telegram. These are sufficient reasons to establish the importance of the bureau being in a position to communicate with an inspector immediately, whether at his headquarters or on an inspection route.

The preparation of schedules is made by consulting an atlas and previous inspection reports which indicate the commercial importance of certain cities or towns in a territory. No one knows trade conditions obtaining in a particular section as well as the inspector who has made frequent inspections of those points. While it is important that the schedule should be adhered to as closely as existing circumstances and the nature of the work arising will permit, the bureau invites suggestions from each inspector to whom the route is assigned, provided any change which may be suggested by him can be effected prior to or immediately after the route is begun. If the time allotted to a town is not sufficient to complete the work at that place, remain there until after the work shall have been concluded, notifying the bureau by letter of the change in schedule. If, on the other hand, the time allotted is more than is required to make a thorough inspection of the place, resume the route, making a corresponding advance of dates, and notify the bureau by telegram.

There will be occasions when it will be impossible, on account of the nature of the work, to outline a definite schedule. In such instances the inspector's route is usually determined by information procured from place to place. Under these circumstances the inspector should advise the bureau by telegram at the time of leaving a town, indicating the next town on the route, and, if possible, the time during which he will remain there. Better still, if it can be done, the route should be forecasted sufficiently in advance to make possible the necessary forwarding of mail by the bureau.

2. Instructions to Analysts.

(a) RECEIVING OFFICIAL SAMPLES.

All boxes or packages containing official samples should be signed for or received by the chief or acting chief of the laboratory or some person officially designated by him. A record should be made showing the date of receipt, how it is received (express company, inspector by mail, registered, or otherwise), from whom and whence received, condition of the box, and the interstate number of the samples contained therein. When a box is opened and the samples are taken out, a record should be made on a card known as the "Sample Index Card," given below.

On this card should be placed the serial number of the sample, name of the substance, date when received and by whom received, condition of sample and seals, and number of samples received under the same interstate number. This card serves as a record of the sample. The samples should then be held under lock and key until assigned for analysis. When this is done a record should be made on the sample index card, showing the date of the assignment and to whom assigned. The following card gives in detail the record

of a particular sample, showing each step that was taken up to the final action upon it:

I. S. No., 16715-a. Material, *Strawberry Jam, Compound*.
 Date rec'd, 5/1/09, 9.45 a. m. By C. S. Brinton, R. W. Hiltz, from A. I. Judge, per Adams Exp. Co.
 Date rep't, 5/13/09. Refer to R. W. H.
 Condition of package, O. K.
 Condition of seals, O. K. No. of packages, 3.
 Ref. Washn., with original label. Sec'y's sample sent to Washington Laboratory, 6/7/09. Hearing held, 6/21/09.
 Perm. Abeyance, 7/17/09.
 Sample destroyed, 7/19/09.

Sample Index—I. S.

These cards are filed in numerical order under the subject, and are divided into three general classes—samples ready for analysis, samples in the course of analysis, and samples the analysis of which has been completed.

(b) REGULATING THE NUMBER OF SAMPLES ON HAND.

The regulation of the number of samples on hand in the laboratory is exceedingly difficult, as sufficient should be on hand to keep the analysts busy and not so many that the examination can not be completed and the report made within two weeks.

In order to make the supply of inspection samples as regular as possible, a weekly report as to the number of samples on hand should be sent in promptly each week on the laboratory stock report card, addressed to the chief inspector, and the bureau should be immediately notified by wire of the receipt of any exceptional number of samples, so that the inspectors can be directed to ship elsewhere and transfer can be made, if necessary, to other laboratories.

UNITED STATES DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY.

.....Laboratory,

Date.....

Chief Inspector,

Washington, D. C.

SIR: The number of samples now on hand is sufficient to occupy the force of the laboratory about.....weeks.

Respectfully,

.....
 Chief Food and Drug Inspection Laboratory.

In order, however, that the analysts may be kept busy in case the inspection samples should become exhausted, each laboratory should have some research work planned along some line which will better equip the men for their work. In many cases this should be in perfecting the analysts in the analytical methods, by giving them samples of known composition for analysis. In other cases it would be well to have analyses made of samples of known origin, as the analyst's testimony will always be of much greater value if he has had experience and has made examination of samples the purity of which is established.

(c) HANDLING OF SAMPLES.

The analyst upon receiving a sample, should write his name or initials and the date on the label of the package, and on any accompanying literature, so that he can absolutely identify it later as the one examined by him, and should then make a note on his analytical sheet as to the condition of the package and seals, name and initials of the inspector by whom collected, and the date of collection, in the manner shown on the "Analytical Sheet" form on page 36. Other marks of identification which may appear on the package or wrapper should also be noted, as well as the date of receipt of sample by the laboratory and how and from which inspector it was received. In opening the package care must be taken to preserve the seals and identifying marks, so that the package can be identified later by the inspector. These seals and identification marks should not be removed from the package if it is possible to leave them attached; but, when this is impossible, as in the case of packages wrapped in paper and sealed, this paper and seals should be carefully saved and kept with the container. The sample, while in the hands of the analyst, should be kept under lock and key, so that he can be certain that it is kept intact, and if it becomes necessary to turn the sample over to another chemist, the complete chain of evidence as to the legality of the sample can be established. All of the records and original analytical data regarding the sample must be placed on the regular analytical sheets, so that when these are filed, they will be a complete record of the sample. Any statement regarding any peculiarity of the label or any peculiarity of the sample should be made on these analytical sheets. The use of secondary notebooks is not desirable, except for use in recording results of experimental work in regard to methods of procedure and other doubtful points occurring to the analyst, and such experimental work should be done on unofficial samples only.

(d) METHODS OF ANALYSIS.

Regulation 4 states "Unless otherwise directed by the Secretary of Agriculture, the methods of analysis employed shall be those prescribed by the Association of Official Agricultural Chemists and the United States Pharmacopœia."

Where it is found necessary to use some other method than those prescribed, the method should be written out in detail and submitted through the bureau to the Secretary of Agriculture for his approval. Regulation 29, given below, "Statement of Weight or Measure," should also be considered when the examination is being made.

(a) A statement of the weight or measure of the food contained in a package is not required. If any such statement is printed, it shall be a plain and correct statement of the average net weight or volume, either on or immediately above or below the principal label and of the size of letters specified in regulation 17.

(b) A reasonable variation from the stated weight for individual packages is permissible, provided this variation is as often above as below the weight or volume stated. This variation shall be determined by the inspector from the changes in the humidity of the atmosphere, from the exposure of the package to evaporation or to absorption of water, and the reasonable variations which attend the filling and weighing or measuring of a package.

This means that it is always necessary in making a charge of short weight to weigh more than one package; as a rule, several should be examined, and in most cases a determination of moisture is necessary to see whether the sample varies from the normal in that respect.

The analytical results should be recorded as shown in the following form, care being taken to record weights, calculations, and all necessary figures in the large squares, reserving the narrow columns for the exact statement of results, which statement is copied on the analytical card. The analytical data recorded include the method of analysis used, if not the usual one, quantity of sample used, and any special points as to the method if there are optional methods of applying it. Full calculations should be given when practicable, abbreviating as far as is consistent with clearness, bearing in mind that these notes must be sufficient to enable the analyst when on the witness stand to describe any processes used. When the data from these sheets have been copied on the analytical cards and the results verified, these sheets are filed numerically for future reference. When an analyst is transferred from one laboratory to another, he should take with him such of his original analytical sheets as may be needed by him in court cases, leaving a copy for the original files. If a sample after analysis is to be returned to the general storeroom for safe-keeping, it should be resealed by the analyst making the analysis, using the regular I. S. seals, upon which he should place his initials and the date of sealing.

No. 16715-a. Material, *Compound Strawberry Jam, Eagle Brand, Jones & Anderson Conserve Co., Phila., Pa.* Condition of seals, *O. K.* Date received, *5/1/09.* Rec'd from *A. I. Judge.* Date report, *5/12/09.* Analyst, *R. W. Hilt.*

| | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| <i>Label.</i> "Eagle Brand Compound Strawberry Jam: Strawberries, Apple Juice, Sugar and Corn Syrup. Made by Jones & Anderson Conserve Co., Philadelphia, Penna." "Contains no preservatives and no artificial color." | | <i>Soluble solids.</i> 2 g. abst. 37.6650 Dish # 717 29.5655 <hr/> 8.0995 × $\frac{25}{100}$ 418.0995 <hr/> 2.0249 # 717 76.0180 74.6755 <hr/> 1.3425 | |
| <i>Total solids.</i> Dish # 714. 81.2207 76.1577 <hr/> 5.0630 79.5480 76.1577 <hr/> 3.3903 | | Insoluble solids..... Moisture..... | 0.64% 33.04% |
| <i>Ash.</i> Dish # 715. 59.6760 49.2420 <hr/> 10.4340 49.2825 49.2420 <hr/> .0405 | | <i>Polarizations.</i> N/1 93.65 direct at 24° C N/2 43.4 invert at 23° C N/2 44.35 invert at 87° C 0.39% | +93.65 +86.80 +88.70 |
| <i>Glucose (factor 163).</i> 88.7 $\frac{88.7}{163} \times 100 = 54.4$ | 54.4% | <i>Sucrose.</i> $\frac{(93.65 - 86.80) 100}{142.66 - \frac{24}{2}} = 5.24$ | 5.24% |

(f) REPORTING ANALYTICAL RESULTS.

The report of analytical results should be made out in duplicate on the analytical cards specially provided for that particular substance or class of materials, and one copy of the analytical card, with the inspector's descriptive slip, should be forwarded to the Bureau of Chemistry as the report of the laboratory on that sample. These cards should be filled out as shown in the following illustration:

CHEMIST'S REPORT.

Laboratory, *St. Louis.*

I. S. No., 15214-b. Label (*Lemon Extract.*) (On box) "*Jones' Pure Lemon Extract. William Jones & Co., St. Louis, Mo.*" (On carton) "*Jones' Finest Extract of Lemon, Strictly Pure. William Jones & Co., St. Louis, Mo.*" (On bottle) *Similar to carton.*

Bought by dealer of *William Jones & Company, St. Louis, Mo.*

Dealer, *John Smith & Co. Inc., Oklahoma City, Okla.*

Inspector, *H. B. Evans.* Remarks: *Price low; appears colored.*

Purchased, 2/5/10. Received by *H. J. Simmons* on 2/9/10. Reported 2/19/10.

Adulterated because *deficient in lemon oil, and artificially colored, thereby concealing inferiority.*

Misbranded because labeled "*Lemon Extract.*"

Condition of samples: *1 opened for analysis, 2 with seals intact.*

Analyst, *H. J. Simmons*, who would be a satisfactory witness.

REMARKS: *See previous case, I. S. 1240-a, where manufacturer stated the label would be corrected. This sample shipped after hearing in that case.*

(Signed)

D. B. Bisbee,
Chief of Laboratory.

Flavoring Extracts.

In filling out these cards all the essential parts of the label should be given. In parentheses should appear the name of the article as it is sold by the dealer; then, in quotation marks, all of the label that is essential. In all cases where the product is held to be adulterated or misbranded, the analytical card should be accompanied by either a photograph or drawing of the label; or, where there are sufficient packages in the sample so that the value of the sample will not be destroyed thereby, a label may be removed and forwarded with the case. This label should be initialed by the analyst, dated, and numbered, so that it can be positively identified by him.

If the sample examined by the analyst is not in the original package but is a subdivision of an original package, such as a bottle of vinegar taken from the barrel, *in addition to the original label the exact description of the actual package examined by the analyst should be given with the report on the sample, quoting all identification marks placed on the package or seal by the inspector, so that the analyst's sample can be described in preparing the affidavit.*

In the space left for "Remarks of inspector," only such statements as have a direct bearing on the case, such as reasons for taking the sample, etc., should be given. The price also should be given. No statement need be made regarding the invoice, shipping bill, etc. Under the clause "Adulterated because" should be given a concise statement of fact, as to the manner in which the product is adulterated, and no attempt should be made to give the section of the law governing the case or to quote the law. Under "Misbranded because" should also be given a concise statement of fact as to the manner in which the product is misbranded. If, however, there is not sufficient room to make a proper statement of the case, a letter should be written to accompany the card, stating the facts.

Under the heading "Remarks" should be given all the suggestions that the chief of laboratory wishes to make regarding the case, but no recommendation as to action should be made. If the chief of the laboratory considers that the sample was not adulterated or misbranded the card should be stamped "Results show no adulteration or misbranding." But no sample should be held to be not adulterated or misbranded if there is any doubt in the mind of the chief of laboratory. Such cases should be reported in full with the label and a statement of the case.

In addition, there should be stated on each of these cards, when reporting on samples held not to be adulterated or misbranded, the facts as shown by the examination. For example, on such products as pepper, coffee, vinegar, grape juice, etc., a statement should be made as to whether or not the examination shows the product to be abnormal; that is to say, whether the analysis shows the product to be different from what the label represents it to be. If tests are made for a special purpose, that fact should be made to appear on the card. If the question of adulteration or misbranding may be dependent on the quantity of one or more of the ingredients of the product, as for example in the case of a product labeled "Cane and maple sugar," the quantity of these ingredients found should be stated approximately; as, for instance, "This product contains 25% maple sugar, 75% cane sugar." All of these statements should be made on the front of the card in the space left for the statement of adulteration or misbranding.

A number of cards covering various materials have been prepared, and it is exceedingly desirable that in reporting results on these classes of materials they should be entered on the card specially designed for them, so that there will be no question as to the terms in which they are reported, and the comparison of the results will be greatly facilitated thereby.

As soon as the analytical card is made out by the stenographer, it is handed to the analyst or analysts for checking. The analyst whose name appears on the face of the card places his initials at the foot of the column of figures. If any others have made determinations, they place their initials beside their typewritten initials. It is understood that the analyst whose name appears on the face of the card obtained the results reported on the back if no notation is made to the contrary. If another analyst secured the results in the column of figures, on the obverse of the card his initials should appear in parenthesis at the left. If the result given in the column of figures is that of the analyst whose name appears on the face of the card, but his result was checked by another analyst, the figures obtained by this second analyst, together with his initials should appear in the column at the left. If the result given in the column of figures is that of the analyst whose name appears on the face of the card, but both he and another analyst made each a check examination, these check determinations are placed in a parenthesis followed by the initials of the analyst. The following illustrates the cases named:

| | Per cent. |
|-------------------------------|-----------|
| Water..... | 2. 92 |
| Ash (EFG)..... | 3. 41 |
| Protein (15.27 EFG)..... | 15. 42 |
| Fat (2.12 EFG; 2.19 ABC)..... | 2. 15 |

In this illustration ABC is the analyst whose name appears on the face of the card and all the results that appear in the column of figures

except that of ash, were obtained by him. The result on ash was obtained by EFG who also checked ABC's results for protein and fat. ABC made duplicate determinations of fat, the results being 2.19 and 2.15.

The examination of sample and reporting of results should be made as soon as possible, but accuracy of analysis or need for investigation must not be sacrificed for speed in reporting results. *Conclusions* should not be given to which the analyst is not willing to testify on the witness stand. The initials of the analyst making the examination should appear on the card which should also be signed by the chief of the laboratory or the acting chief thereof.

In forwarding analytical report cards to the Bureau of Chemistry, the heavy envelopes supplied the branch laboratories should be used, preventing the cards from becoming broken or mutilated.

Samples which are taken from seizures should be reported in the same manner as the other samples, as they may be used as a basis for criminal prosecution against the manufacturer. The report cards for seizure samples should be marked in the upper right-hand corner "Seizure." (See p. 52, under Unofficial samples.)

(g) CHECK SAMPLES.

In order to prevent the mistakes in analytical results it is the practice of the department to have all analyses checked by an independent analyst before final action, and in order to reduce the traveling expenses of witnesses an effort is made to have this check examination made by an analyst located near where the prosecution will be brought. When it is necessary to ship a sample from one laboratory to another for this purpose, only original sealed samples should be sent unless otherwise specifically directed, as the sending of a subsample sealed by someone in the laboratory will require the presence of that person at the trial to complete the chain of evidence. As far as possible these samples should be shipped in individual packages and should be marked on the outside with the word "Check" and the "I. S. No." so that the sample will be given immediate attention. When shipping these samples to Washington they should, in addition, be marked "F." for food samples, "D." for drug samples, and "M." for water or cattle-food samples.

Check samples should be made special and reported as soon as possible on the regular analytical cards, which should be marked "Check" in the upper right-hand corner. The conclusions of the analyst as to adulteration and misbranding must be given on the card, so that the bureau may be informed whether or not the same conclusions have been reached as were reported by the original analyst; also an exact description of the label on the check sample examined should be placed on the card, especially if it is a subsample.

(h) SHIPPING SAMPLES TO DISTRICT ATTORNEYS.

In sending the analyst's sample to the United States attorney to be used as a court exhibit, it is necessary to mark the sample so that it can be readily identified with the proper case. The information required in addition to the I. S. number is the F. & D. number, and the name of the defendant, which information will be supplied by the bureau when requesting that the sample be forwarded to the United States attorney. These samples should always be marked by the analyst so that they can be identified by him, and all charges should be prepaid. The sample sent to the United States

attorney should have with it the original label, and if this is not in the possession of the analyst the bureau should be notified so that it can be forwarded. Care should be taken that the inspector's seal is left in such a condition as to be readily identified.

(i) **DISPOSITION OF UNUSED PORTIONS OF I. S. SAMPLES.**

Interstate samples which have been held by the laboratory not to be adulterated or misbranded should be kept intact for at least one month, so that the bureau may have an opportunity to require a further examination if such seems desirable. However, if no request for such further examination is made within the month, the case may be considered closed by the laboratory and the sample disposed of. (Special attention of those in Washington handling reports is called to this point.)

Adulterated or misbranded products must not be sold. Arrangements may be made with the collector of customs by means of which duplicate samples may be sold from time to time in connection with the regular customs sales. In case such sales occur at such infrequent intervals as not to be available for the disposition of your samples of food, consult with the collector in regard to some plan by which occasional sales may be held at such intervals as the nature of samples may require.

Whenever practicable labels should be removed from the samples. Packages from which labels can not be removed should be opened and their contents placed in new packages, if possible. It is frequently practicable to mix together the contents of a number of packages of one kind of goods and put them up in packages of uniform size.

The funds obtained from these sales are deposited in the Treasury or subtreasury by the collector, who gives a statement of all sales and papers connected with the transaction to the chief of the laboratory to be forwarded to Washington. (See p. 110, under Supplies.)

3. Instructions Covering Final Preparation of Case for the Solicitor.

(a) **REPORT TO SOLICITOR.**

When the analytical report is received at the Bureau of Chemistry, the results of analysis or examination are reviewed, and if the conclusions of the analyst that the product is adulterated or misbranded are confirmed, a report of the case is made to the Solicitor in the form of a memorandum, including the report of the inspector, the report of the analyst, and the conclusions reached as to the misbranding or adulteration. The following form shows the method of preparing a report to the solicitor:

UNITED STATES DEPARTMENT OF AGRICULTURE,

BUREAU OF CHEMISTRY,

Washington, D. C., February 25, 1909

MEMORANDUM FOR THE SOLICITOR. In re I. S. No. 15214-b.

LABORATORY REPORT.

Label:

(On box) "Jones' Pure Lemon Extract. William Jones & Co., St. Louis, Mo."

(On carton) "Jones' Finest Extract of Lemon. Strictly Pure. William Jones & Co., St. Louis, Mo." (On bottle) Similar to that on carton.

Analysis. Made by H. J. Simmons, of the St. Louis Laboratory.

| | |
|-------------------------|---------|
| Specific gravity..... | 0.900 |
| Alcohol, by volume..... | 62.0 |
| Methyl alcohol..... | Absent. |

| | |
|--------------------------------------------|---------------------------|
| <i>Lemon oil by polarization</i> | 1.0 |
| <i>Lemon oil by precipitation</i> | 1.2 |
| <i>Citral</i> | .10 |
| <i>Coloring matter, coal-tar dye</i> | <i>Naphthol yellow S.</i> |

N. B.—One box containing 12 cartons collected; 8 cartons, 4 in each subsample, remain in the St. Louis laboratory, under original seals of inspector.

The results show the sample to be *adulterated and misbranded* within the meaning of the Food and Drugs Act, June 30, 1906, in that it is labeled on box, carton, and bottle "*Lemon Extract*," whereas it is deficient in lemon oil, and artificially colored whereby inferiority is concealed.

INSPECTION REPORT.

Inspector.....*Henry B. Evans.* Date of collection.....*Feb. 5, 1909.*
 Dealer.....*John Smith & Co., Oklahoma City, Okla.*
 Shipper.....*William Jones & Co., St. Louis, Mo.*
 Sample taken from Seizure No. ——— before—after—seizure.

HISTORY OF SAMPLE AND INTERSTATE TRANSFER.

This sample consisted of twelve unit cartons obtained from an original unopened shipping package, which was identified by John Smith, member of John Smith & Co., as being purchased under submitted original invoice, dated November 9, 1909, and original freight bill dated November 13, 1909, issued by the Missouri, Kansas & Texas Railway Company. There is also submitted a signed statement of dealer dated February 5, 1909.

Samples taken from same shipment designated by I. S. Nos.

.....,
 Chief.

This memorandum should have attached to it the signed "Dealer's receipt," and "Inspector's report on collection of I. S. No. —," (pp. 21, 22) with invoices, shipping records, etc., procured by him from dealer at the time the sample was purchased, together with a drawing or photograph of label, or an original label if one can be obtained without destroying the identity of the sample. Five copies of the memorandum are prepared, the original accompanies the case, one copy is retained in the records of the bureau, one is filed in the solicitor's office, and the remaining copies are sent to the branch laboratories where hearings are to be appointed, for their information and guidance.

(b) HEARINGS.

In case it is shown, in the opinion of the solicitor, that a prima facie case is presented, preliminary hearings are appointed for all interested parties in accordance with the provisions of section 4 of the act and regulation 5, amended, as follows:

SEC. 4. That the examinations of specimens of foods and drugs shall be made in the Bureau of Chemistry of the Department of Agriculture, or under the direction and supervision of such bureau, for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of this act, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

(x) REGULATION 5, AS AMENDED, HEARINGS. (SECTION 4.)

(a) When the examination or analysis shows that samples are adulterated or misbranded within the meaning of this act, notice of that fact shall be given in every case to the party or parties against whom prosecution lies under this act for the shipment or manufacture or sale of the particular product, and such other interested parties as the Secretary of Agriculture may direct; and a date shall be fixed at which such party or parties may be heard before the Secretary of Agriculture or such other person as he may direct. The hearings shall be had at places designated by the Secretary of Agriculture most convenient for all parties concerned. These hearings shall be private and confined to questions of fact. The parties interested therein may appear in person or by attorney and may submit oral or written evidence to show any fault or error in the findings of the analyst or examiner. Interested parties may present proper interrogatories to analysts, to be submitted to and propounded by the Secretary of Agriculture or the officer conducting the hearing. Such privilege, however, shall not include the right of cross-examination. The Secretary of Agriculture may order a reexamination of the sample or have new samples drawn for further examination.

(b) If, after hearings held, it appears that a violation of the act has been committed, the Secretary of Agriculture shall give notice to the proper United States attorney.

(c) Any health, food, or drug officer or agent of any State, Territory or the District of Columbia who shall obtain satisfactory evidence of any violation of the Food and Drugs Act, June 30, 1906, as provided by section 5 thereof, shall first submit the same to the Secretary of Agriculture, in order that he may give notice and fix dates for hearings to the proper parties.

If the hearings are to be held in branch laboratories they are notified at once, the following form letter being used to give such instructions:

Port laboratory—cite hearing.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY,

Washington, D. C.,

In reply refer to
JGS

In re I. S. No. you are hereby instructed to cite
to a hearing in your laboratory and to report the results thereof to this office at as early a date as possible. There is inclosed for your information a copy of Memorandum to the Solicitor, which contains a statement regarding the collection of the sample, a copy of the label which appears thereon, and the complete analysis. The charge or charges which should be given in the appointment of hearing letter follow the words "in that" in the statement of what the results show.

Respectfully,

.....
Chief.

Inclosure:

Copy of memorandum to solicitor.

(g) APPOINTMENT, HOLDING, AND REPORT OF HEARINGS.

The very day, if possible, that this instruction is received by the branch laboratory, the form "Domestic—Appointment of hearing, F. L." letter (p. 43) should be completed and mailed to the parties to whom reference is made, and the date set for the hearing should

not be later than two weeks from the date notice is sent. In many instances the time for the hearing can be shortened.

The "Appointment of hearing"² notice should be filled out in triplicate, the original sent to the person appointed a hearing, one copy retained in the records of the branch laboratory, and the third sent to the Bureau of Chemistry at the same time the original is mailed. The original "Appointment of hearing"² letter should be sent by registered mail, and the registry return receipts should be in each instance marked with the I. S. number and the name or initials of bureau employee who is able to identify the receipt as applying to the letter sent. Authorization for registration, expenses, etc., will be found in the Fiscal Regulations of the department, page 14, section (b), under "Station and miscellaneous expenses."² The registry return receipt showing delivery of citation should always be sent to the bureau with hearing reports.

Using the "Memorandum for the solicitor" as a basis (p. 40), a sample of an "Appointment of hearing" letter correctly prepared would read as follows:

Domestic—Appointment of Hearing, F. L.

UNITED STATES DEPARTMENT OF AGRICULTURE,

OFFICE OF THE SECRETARY,

Washington, D. C., March 4, 1910.

William Jones & Co., St. Louis, Mo.

Gentlemen: You are hereby notified that a specimen labeled (On box) "Jones' Pure Lemon Extract. William Jones & Co., St. Louis, Mo." (On carton) "Jones' Finest Extract of Lemon, Strictly Pure. William Jones & Co., St. Louis, Mo." (On bottle) *Similar to that on carton, purchased from John Smith & Co. (Inc.), Oklahoma City, Okla., as lemon extract on February 5, 1910, by an authorized inspector of this department and designated by him I. S. No. 15214-B, appears to be adulterated and misbranded within the meaning of the Food and Drugs Act, June 30, 1906, in that it is labeled on box, carton, and bottle "Lemon Extract," whereas it is deficient in lemon oil, and artificially colored, whereby inferiority is concealed.*

You are hereby afforded an opportunity to present evidence to the Chief of the Food and Drug Inspection Laboratory on *March 24, 1910, at 10 A. M., Room 1818, Wright Building, St. Louis, Mo.,* either oral or written, in person or by attorney, showing any fault or error in the finding of the analyst or examiner or establishing a guaranty from the party from whom you purchased the goods. If you do not present testimony on the date mentioned, I shall proceed to determine the matter upon the evidence before me.

Respectfully,

JAMES WILSON, *Secretary.*

In correspondence regarding this matter refer to the number given above, and in each instance address the Chief of the Food and Drug Inspection Laboratory, before whom you are accorded a hearing.

When a hearing is called before the Board of Food and Drug Inspection at Washington, a form similar to the preceding is used, only slight changes in the wording being necessary. This form is designated as "Domestic—Appointment of hearing."

It is the desire of the department to institute proceedings against the person primarily responsible if it is possible to reach him, and for this reason every effort should be made by branch laboratories, when hearings are held, to complete the chain of evidence as to records of sale and shipment and guaranty. It frequently happens that the person primarily responsible for an article is not known at the time the hearing is called, but subsequently, at the hearing, he is brought into the case. This situation most often occurs where the

dealer purchases from a jobber or middleman. It is very important in cases of this kind to obtain from the jobber the records of sale and shipment, and to determine whether or not the goods are guaranteed. When, therefore, the oral or written evidence submitted at a hearing develops that the person cited is a jobber or middleman and claim is made that the sample in question was sold to him by some one else, request should be made that he submit records of sale and shipment as tangible proof of the claim, and establish a guaranty from his seller. The form¹ entitled "Supplementary statement relative to I. S. No. ———" which follows, has been prepared with a view to obtaining the necessary records, and jobbers should be requested to complete it. The form is prepared in the shape of a letter and before sending, the I. S. number of the sample should be inserted in the vacant space in the title, the blank properly addressed, and completed in the other respects, as illustrated. An addressed franked return envelope should be inclosed with the blank.

SUPPLEMENTARY STATEMENT RELATIVE TO I. S. No. 15214-B.

Oklahoma City, Okla., 19—

Chief, Food and Drug Inspection Laboratory.

Wright Building, St. Louis, Mo.

SIR:

Referring to the appointment of hearing, dated *March 4, 1910*, accorded the undersigned by the Secretary of Agriculture, Washington, D. C., before you at the above address, on *March 24, 1910*, at *10 o'clock a. m.*, relative to the above-stated case I submit for your consideration answers to the questions following, together with certain papers in substantiation thereof. (See NOTES at bottom of second page.)

QUESTION 1. On what date, in what manner, and from whom did you order the consignment of goods of which I. S. No. 15214-B shipped by you to *John Smith & Co., Oklahoma City, Okla.*, was a part?

ANSWER:.....

Q. 2. When were the goods so ordered delivered to the railroad or express company by the shipper?

A.

Q. 3. By what railroad or express company, or in what manner, were the goods transported and delivered to you?

A.

Q. 4. When were the goods delivered to you?

A.

Q. 5. Was said article guaranteed to you under section 9 of the Food and Drugs Act, June 30, 1906, and if so, in what manner?

A. (a) Serial number guaranty on label.....

(b) On invoice.....

(c) On bill of sale.....

(d) On bill of lading.....

(e) If on some other schedule, please state its nature.....

(f) If under a general or special guaranty agreement, please so state, submitting at the same time the guaranty or an authenticated copy thereof.....

¹This form may also serve as a valuable guide for the laboratories in holding hearings, as all of the information required by this form must be obtained.

(Additional remarks deemed pertinent to the matter.)

.....

.....

.....

.....

Respectfully,

(Signature)

(Address)

(State) (Place)

(Street)

NOTES.

It is necessary in order to establish your claims to submit waybill, bill of lading, or shipping invoice covering the shipment, delivered to you by the railroad company or shipper, and the account, or statement thereof, sent to you by the consignor for payment.

Inclose herewith any correspondence between yourself and the person from whom you purchased the goods, relating to their sale to you.

Give the name and business connection with your firm of the person who can identify the records of sale and shipment submitted as covering the consignment of which sample in question was a part and have him write his name on each document.

(Name)

(Address)

The purpose of the hearings is to give the parties cited an opportunity to present such information as is specified in regulation 5, and not for any other discussion. The statements should be confined to questions of fact, but all statements offered in mitigation or explanation of the offense should be reported. Every effort should be made to ascertain at hearings whether parties cited are corporations or copartnerships, and if incorporated, under what laws and their principal places of business, and if a copartnership, the full names of the individual partners. If the ownership of the business rests in an individual as sole owner, his full name and address should be ascertained.

It is believed that interrogatories, as follows, at the beginning of the hearing will elicit the desired information:

1. Are you incorporated? (If so) Q. Please state under what laws and the principal places of business of the corporation.

2. If answer made is that the business is not incorporated: Q. Is it conducted by a copartnership or by an individual as sole owner?

3. If a copartnership: Q. Please give the full names of the individuals composing the copartnership and the address where the business is conducted.

4. If by an individual as sole owner: Q. Please give the full name of the owner and the address where the business is conducted.

Evidence submitted in each I. S. case should be reported separately with a letter of transmittal, and the procedure followed in holding hearings when one company is cited concerning several different samples should be such as to get distinct and separate statements relating to each case, if possible. Reports of hearings and any data pertaining thereto should be forwarded to the bureau by registered mail, as it is deemed desirable that every precaution be taken to prevent loss in the mails and to insure safe arrival at destination. The letter of branch laboratory transmitting report of results of a hearing should identify as inclosures any data transmitted, and any submitted data, labels, or exhibits should be plainly marked with the I. S. number of the sample to which they pertain.

The question of postponing a hearing at the request of the person cited is a matter which is left to the discretion of the laboratory instructed to appoint the hearing. The postponement, however, should be for a reasonable time; that is, for not a longer period than two weeks from the original date set for the hearing. In cases where a postponement is requested beyond two weeks, the matter should be referred to the bureau. The bureau should be advised in each instance that a postponement has been allowed. In reporting hearings, make report of all delays or postponements, and cause.

The following information *may be given out* at hearings in response to interrogatories:

- (1) General conclusions reached by the analyst.
- (2) Methods of analysis used.
- (3) General statements as to why the product is adulterated; for instance, vanilla extract, low in extractive material; eggs, filthy and decomposed on account of excessive bacteria, etc.; contains arsenic in excess of 1 part to 700,000; glucose in excess of the amount stated on the label; approximate shortage.

Information *not* to be given out at hearings:

- (1) Exact results of analysis.
- (2) Experimental data on which the interpretation of analytical results is based.

If the official conducting the hearing is in doubt as to whether the question should be answered, it should be submitted in writing to the bureau for consideration, always identifying it with the case under consideration.

In case the analyst witness is not at the laboratory where the hearing is being held, the questions should be submitted to the bureau in writing to be referred to the proper person. In case it is impossible to continue the hearing until these questions are answered a postponement should be granted with the understanding that as soon as the chief of laboratory has the necessary information the hearing will be continued. When the information is received the chief of laboratory should immediately notify the interested persons, setting as early a date as possible for the continued hearing.

(c) DEALER'S SAMPLE.

In cases where request is made by dealer or manufacturer to be supplied with an official dealer's sample, which is in the possession of the laboratory to which application is made, the chief of laboratory is authorized to deliver the sample to applicant, reporting the action to the bureau in each instance. In this connection, the number of samples on hand should be considered, and in case there is any doubt as to whether the sample will be needed the bureau should be notified before delivering it to the dealer. If the sample is in the possession of some other laboratory, the request for it should be transmitted to the bureau. Instruction from the bureau to the branch laboratories to send dealer's sample to the applicant therefor should receive immediate attention and the sample be sent forthwith. Prepay all charges on such packages sent by registered mail, and do not prepay charges on packages sent by express—such packages should be sent at the expense of the person requesting sample.

Almost invariably where request is made to be furnished the dealer's sample, it is necessary to postpone the hearing appointed the applicant to afford him an opportunity to make an analysis of the sample, and it is believed that prompt attention at every step of the procedure in sending samples will obviate the necessity for postponements on this account.

(d) AFFIDAVITS.

Whenever it becomes necessary for an employee of the Bureau of Chemistry, or other person to make an affidavit in connection with the analyses, inspection, identification, delivery or sale of interstate samples, acknowledgment should be made preferably, in order named, first, before a clerk of a United States court; second, before a United States commissioner; and third, before a justice of the peace or a notary public having authority to administer oaths or affirmations.

Relative to payment of fees of the officer before whom an affidavit of this kind is executed, it was held *In re Clerk's Charges, etc.* (5 Fed. Rep., 440) that services by a clerk of a United States court, whether ordered by the duly appointed officers of the Government or imposed by a statute of the United States, are proper charges against the United States if such services are covered by the terms of the fee bill (Rev. Stat., 828). Under the terms of this decision it appears that the fee for administering an oath or affirmation to an official, or to other persons, the fee for which the United States is liable under the Food and Drugs Act, is a proper charge against the United States, and as such should be payable from the appropriation "Fees of clerks," etc. If payment in advance is demanded by a clerk of a United States court for administering an oath under the Food and Drugs Act, the matter should be called to the attention of the department. When it is impracticable to make affidavit before a clerk of a United States court and it is necessary to appear before a United States commissioner, notary public, or justice of the peace, the legal rate for such service should be paid and included in reimbursement account. United States commissioners are authorized to charge a fee not to exceed 10 cents for such service.

Before executing affidavits employees are requested to read the document carefully to see that all statements contained therein are true to fact.

(e) COURT RECORDS.

See page 101, under "Accounts," for instructions as to the purchase of court records, etc.

(f) WITNESSES.

When witnesses are needed at the trial of cases, United States attorneys, by letter or telegraph, notify the Bureau of Chemistry, through the solicitor of the department, or notice is given by service of subpoena direct on the witnesses or through the Chief of the Bureau of Chemistry. As soon as the United States attorney's request is conveyed to the bureau, witnesses are forthwith notified, through chiefs of divisions or laboratories, by letter or telegraph, and at the same time instructions are given to have prepared a letter of authorization for the payment of traveling expenses, etc., incurred by the witness in making the trip to the trial court. It generally takes several days for this letter to pass through the necessary stages of approval, but it will be forwarded to witness as soon as practicable, and he should not wait for its delivery to him if by so doing he will be unable to report to the United States attorney on the time his services are needed. A witness should always take with him his analytical notes and any other data which will be of service; in seizure actions he must also take the exhibits in the case; if, however, these are not in his possession, steps should be taken to have them sent to him, care of the United States attorney in charge of the case.

In cases where the time between the notification to send witnesses and the date of the trial is short and it is necessary to telegraph the instructions, in order to make the telegram as brief as possible the code given on page 100 will be used.

It frequently happens that United States attorneys request chiefs of laboratories and inspectors to advise the bureau that certain cases are scheduled for trial and that they communicate the information to the bureau and secure the attendance of the necessary witnesses at the trial. This method of securing the attendance of witnesses at trials is not considered by the department as official and can not be acted on by the bureau unless approved by the solicitor. The United States attorneys making requests of this kind should be advised of the attitude of the department. The proper procedure is for United States attorneys to communicate with the Solicitor of the department, who in turn will advise the bureau. When, however, United States attorneys make such requests they should be communicated to the bureau for its information, but no positive instructions based on them will be given to witnesses to proceed to the place of trial until approved by the solicitor.

Witnesses on leaving station to attend trials should advise the bureau by telegraph, of railroad, train number, and time of departure, in order that the bureau may be able to communicate with them en route, if necessary. Similar advice should be sent to the bureau on leaving place of trial for return to station or proceeding elsewhere. Immediately on arriving at place of trial the chief of laboratory, if a laboratory is located at such place, should be notified, or address given to United States attorney. The bureau will communicate with witnesses, if necessary, in care of the branch food inspection laboratory, or in care of the United States attorney. Witnesses located in Washington should, on leaving Washington for trials elsewhere, advise the interstate office of the bureau as to the railroad on which they will travel, train number, time of departure, etc.

(g) EXPERT WITNESSES OUTSIDE THE DEPARTMENT.

Arrangements for the employment of experts should be made as long before the trial of cases as is possible. It is believed the efficiency of the work of the department in the enforcement of the Food and Drugs Act will be promoted by anticipating the probable need for experts, whenever this can be done. As a basis for securing the approval of the Secretary of Agriculture for the employment of an expert, there should be submitted to the chief of the bureau a statement setting forth the charge the expert will make for the service, his qualifications, and a digest of the testimony he is expected to give, and, furthermore, no employee of the Bureau of Chemistry shall engage the services of a witness not connected with the department until after the approval for such employment has been secured from the Secretary of Agriculture.

4. Instructions to Commissioned State Officials and Collaborating Chemists.

The following is the outline of the procedure to be followed by commissioned State officials in handling interstate samples collected by them for criminal action under section 2 of the act:

The sample should be collected by a properly authorized inspector, who makes out a report of the collection, giving the sample an interstate number, collecting at the same time the necessary records. The

sample is forwarded to the collaborating chemist with a carbon copy of the inspector's description of sample. All the records of interstate sale or shipment in the case should be sent to the State commissioned official. The chemist makes the examination and reports to the commissioned State official, who assembles the evidence in the case and forwards the complete data with his recommendation to the Secretary of Agriculture, who will issue the citation to the party primarily responsible. The collaborating chemist makes no report of analysis directly to the Bureau of Chemistry, but sends all cards, whether showing adulteration or misbranding, to the commissioned State official to be approved and transmitted. After the hearing, if in his opinion the case should be prosecuted, the Secretary of Agriculture will report it to the proper United States attorney. The instructions in detail are as follows:

(a) COLLECTION OF SAMPLES.

In the collection of samples for examination by commissioned State officials under the Food and Drugs Act of June 30, 1906, they, or their representatives, should follow as closely as possible the instructions laid down for the guidance of inspectors of the bureau (p. 12). Great care should be exercised in collection to have samples comply with all legal requirements, so that in the event the analysis discloses a violation there will be no bar to instituting successful prosecutions. Samples should be purchased in the open market, and if practicable three samples should be procured of each article; but, as set forth in regulation 3, the number may be increased or lessened as circumstances may require. At the time of purchase the collector should obtain, as evidence of interstate shipment of the sample, originals or copies of the invoices and shipping records; that is, waybills, bills of lading, freight bills, etc., covering the consignment of the article of which the sample formed a part, and always have the "Dealer's receipt" completed.

In order to prevent any confusion, all samples collected by the commissioned State officials for action under the Federal act should be entered in a book entitled "Inspector's description of sample" furnished by the department. In this book are found the following described blanks, all of which should be completed for each sample collected:

1. Coupons attached to "Inspector's description of sample" slips, reading "Bureau of Chemistry I. S. No. ———," should be detached from slips and placed on each sample and on each division of the sample.

2. "Inspector's description of sample" slips are in duplicate and should be completed in duplicate. See page 20. In completing these slips care should be exercised to set forth the label of the sample as fully and accurately as practicable. After completion the original copy should be retained by State inspector and the carbon sent to the State collaborating chemist for his use to prepare the analytical card and later to be forwarded with his report to the commissioned State official.

3. The inspector at the time of collection of the samples should have the "Dealer's receipt" signed covering the samples purchased. (See p. 21.) It should be signed by the person who can testify that the samples were taken from the shipment of the article covered by the invoice and shipping records.

4. The "blue slip" should be completed by the inspector and always sent by him direct to the Bureau of Chemistry.

There should be placed on each sample or division of the sample one or more of the official seals furnished by the Department of Agriculture, and each seal should be marked with the name of the State inspector, the date of the collection, and the number corresponding to the number on the coupons before mentioned. The seals should be affixed so as not to obscure any material part of the label on the sample, and so that the seals may be broken and the contents of the sample removed for the purpose of analysis without defacing any of the marks on the seals.

After the collection of samples there should be prepared in triplicate a statement showing all the facts concerning the samples on the form known as "Inspector's report on collection of I. S. No. _____," which form is illustrated on page 22. One of these statements should be retained by the collector and two copies, with the originals or copies of invoice and shipping records and the dealer's receipt, should be sent to the commissioned State official for his information in preparing the case, in the event that analysis or examination reveals adulteration or misbranding.

After the samples have been properly sealed and identified and carefully packed to guard against damage during transit, they should be forwarded by the State inspector to the collaborating chemist for examination, together with carbon copy of "Inspector's description of sample," as above explained.

(b) INSTRUCTIONS TO COLLABORATING CHEMISTS.

A collaborating chemist receives an official sample accompanied by the "Inspector's description of sample" slip from the State inspector. He should keep the same records regarding the receipt and handling of this sample as are given on page 33 for the guidance of the chemists in the bureau, and in general the instructions given for handling samples, methods of analyses, and reporting results given for the analysts in the Bureau of Chemistry should be followed by the collaborating chemists, except that upon the completion of analyses or examinations, the analytical card, when properly filled out, should be sent, with the carbon copy of the "Inspector's description of sample" slip, to the commissioned State official for his recommendation and report to the department.

The sample examined should be kept under lock and key by the chemist until called for by the United States attorney or ordered destroyed by the commissioned State official. The additional samples under seal should also be retained by the collaborating chemist until instructed as to their disposition.

(c) REPORTING CASES.

Regulation 5, as amended under date of January 18, 1911, in general does away with the necessity of according preliminary hearings to dealers of whom inspectors purchased samples. Therefore, on receipt of the analytical report from the State collaborating chemist the commissioned State official, in the event that the results show the product not to be adulterated or misbranded and the commissioned State official approves the conclusions of the analyst, or in cases where for lack of information in regard to the interstate transaction, or for other valid reasons it is believed that prosecution should not be brought, should forward the chemist's report card, with his recommendation and reasons therefor placed thereon, to the Bureau of Chemistry, accompanied by the "Inspector's de-

scription of sample" slip. In case the results show the product to be adulterated or misbranded and the commissioned State official approves the conclusions of the analyst, he should forward to the Bureau of Chemistry the following records:

Analytical card with the commissioned State official's approval thereon. (See p. 37.)

Inspector's description of sample slip. (See p. 20.)

Inspector's report on collection of I. S. No. ———. (See p. 22.)

Dealer's receipt. (See p. 21.)

Records of interstate sale and shipment.

Drawing or photograph of the label, or an original label if one can be obtained without destroying the identity of the sample.

The above-described records should be transmitted by letter of commissioned State official with any additional comments deemed pertinent to the case.

It frequently happens that the manufacturer upon being cited to a hearing requests an official sample for examination. It is the custom of the department to send such sample, if available, to him, and any request of this kind will be duly transmitted for action. The sample, if sent, should be at the expense of the applicant.

Special attention is called to regulation 6 regarding the publication of the results of examination of samples taken under the Food and Drugs Act. No publication will be made except after judgment by the court, and then only in the method prescribed by the Secretary of Agriculture in notices of judgment.

(d) SEIZURE ACTIONS.

Under section 10 of the act the activities of the department and the commissioned State officials as well are restricted to original packages, that is, in general, to products as long as they remain in the unbroken packages in which they are shipped in interstate commerce. Products in original packages are liable to seizure under section 10 if they are in the course of interstate transportation, or after such transportation as long as they remain in original unbroken packages. It is of prime importance that evidence on which to base proceedings under this section should reach the United States attorneys with the least possible delay after the circumstances are discovered, in order that the adulterated and misbranded articles may be arrested before they pass beyond federal control, either by consumption or by entering the commerce of the State. The courts have held that the provisions of section 4 of the act, authorizing hearings, do not apply to seizure proceedings, and no hearing is necessary in suits under section 10. Seizure proceedings may be instituted and perfected in the judicial district where the goods are found, and every case appropriate for such proceedings should be reported by the commissioned State officials directly to the United States attorney for the district where the goods may be located. In every case the United States attorney should be informed of the facts concerning the interstate shipment of the consignment, of the evidence which is available to prove that the consignment is adulterated or misbranded, the location of the consignment, and the marks by which it can be identified. Copies of reports made to United States attorneys for the purpose of effecting seizures should be sent to the Secretary of Agriculture as soon as practicable, with a statement showing action taken thereon. Details as to the method of handling seizure actions are to be found under directions for inspectors of the Bureau of Chemistry given on page 25.

B. UNOFFICIAL SAMPLES.

1. Miscellaneous Samples.

(a) DEFINITION AND COLLECTION.

An unofficial sample is one that has been collected to supply information which may lead to the collection of official samples, or may be used as the basis for a seizure action only. Such samples are not to be used for the purpose of prosecution and need not be collected in triplicate, but the inspector should identify and seal the same in forwarding to a laboratory for examination in like manner as an official sample, to safeguard the product against any change in character during transit. An I. S. number should be assigned and the word "Unofficial" or "Unofficial for seizure," as the case may be, written across the top of the I. S. slip describing the same. No records need be submitted with this class of samples, but they should be accompanied by a memorandum explaining the reason for collection, unless a sufficient statement can be noted on the description slip after the caption "Remarks."

The distinction between an official and unofficial sample is that the former is valid in every way for the institution of prosecution, while the latter has value only in supplying information. Many official samples are collected which ultimately lead to the seizure of consignments of goods of which they were a part, in addition to which they may be used as the basis for a criminal action against the shipper. Such should not be confused with an unofficial sample, which would supply the necessary information to enable the department to recommend a seizure, but which, on the other hand, would not be sufficient to institute proceeding under section 2 of the act.

(b) HANDLING AND REPORTING UNOFFICIAL SAMPLES.

These samples are taken as a rule for special purposes, either to supply information for bringing a seizure action under section 10 or to supply information as to whether or not it is worth while to obtain official samples. When submitted for information upon which to base seizure action, these samples should be handled with all the precautions prescribed for official samples, and their examination made special, and report made as soon as possible, by wire if necessary. Report cards should be marked in the upper right-hand corner "Unofficial for seizure," and the sample should be preserved.

When submitted for information as to whether an official sample is desired, report cards should be marked in the upper right-hand corner "Unofficial," and under the heading "Remarks" a statement should be made as to whether an official sample should be collected.

2. Research Samples.

(a) DEFINITION AND COLLECTION.

Samples are frequently desired for information in connection with certain investigations, or for research work, and if such a sample is collected the description slip should be marked "Research" and the sample forwarded to the laboratory desiring the same. These samples need not be collected in triplicate and are only to be obtained at special request.

(b) REPORTS. •

These samples should be reported to the bureau as the work is completed on the regular report cards, and there should be given as far as possible the reasons for starting the investigation and the results and conclusions obtained.

3. Navy, Army, and Other Government Food or Drug Samples.**(a) DEFINITION AND COLLECTION.**

At the request of the other departments of the Government, examination is made of food or drug supplies or samples are submitted by them for analysis. These samples should be given regular I. S. numbers and a full description reported as in case of regular I. S. samples, but the description slip should be marked in the upper right-hand corner "Navy," "Army," "Panama Canal," etc., as the case may be.

(b) REPORTS.

These samples should be examined as desired by the person submitting them and a report of the results made directly to said person in the form of a letter, giving in detail the results obtained and the conclusions reached. These samples should also be reported to the bureau on the regular analytical cards in the same manner as regular I. S. samples, giving a brief statement of the conclusions reached.

In reporting these samples to the Bureau of Chemistry, the analytical cards should be forwarded with the inspector's slip and blue slip. In the upper right-hand corner should be stamped an explanation of the purposes for which the sample was examined, such as "War Department," "Navy Department," etc. Stamps will be furnished for these designations.

In regard to reporting on foods or drugs taken by inspectors in the course of their inspection of naval supplies, the Navy Department requests that a report be made directly to the naval officer in immediate supervision, and that a carbon copy of the report be forwarded to the Chief of the Bureau of Supplies and Accounts, Navy Department.

II. IMPORTED FOODS AND DRUGS.**A. LAWS AND REGULATIONS BEARING ON THE INSPECTION OF IMPORTED FOODS AND DRUGS.**

This inspection is carried on directly under the authority of the Food and Drugs Act, June 30, 1906.

1. Section 11, Food and Drugs Act.

SEC. 11. The Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request from time to time, samples of foods and drugs which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture, and have the right to introduce testimony, and if it appear from the examination of such samples that any article of food or drug offered to be imported into the United States is adulterated or misbranded within the meaning of this act, or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into, or forbidden to be sold or restricted in sale in the country in which it is made or from which it is

exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond: *And provided further*, That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

2. Drug law of 1848.

In addition the inspection of drugs is affected by the drug law of 1848 and regulations promulgated by the Treasury Department under that law.

2612. *Instructions to prevent importation of adulterated drugs.* The Secretary of the Treasury shall give to the collectors of districts for which an examiner of drugs, medicines, and chemicals is not provided by law, such instructions as he may deem necessary to prevent the importation of adulterated and spurious drugs and medicines.—Act June 26, 1848. (U. S. Compiled Statutes, 1901, vol. 2, p. 1801.)

2933. *Examination of imported medicinal remedies.* All drugs, medicines, medicinal preparations, including medicinal essential oils and chemical preparations, used wholly or in part as medicine, imported from abroad, shall, before passing the customhouse, be examined and appraised, as well in reference to their quality, purity, and fitness for medicinal purposes as to their value and identity specified in the invoice.

2934. *Name of manufacturer to be affixed to medicines.* All medicinal preparations, whether chemical or otherwise, usually imported with the name of the manufacturer shall have the true name of the manufacturer and the place where they are prepared permanently and legibly affixed to each parcel by stamp, label, or otherwise; and all medicinal preparations imported without such names so affixed shall be adjudged to be forfeited.

2935. *Return upon examination.* If, on examination, any drugs, medicines, medicinal preparations, whether chemical or otherwise, including medicinal essential oils, are found, in the opinion of the examiner, to be so far adulterated, or in any manner deteriorated, as to render them inferior in strength and purity to the standard established by the United States, Edinburgh, London, French, and German pharmacopœias and dispensatories, and thereby improper, unsafe, or dangerous to be used for medicinal purposes, a return to that effect shall be made upon the invoice, and the articles so noted shall not pass the customhouse, unless, on a reexamination of a strictly analytical character, called for by the owner or consignee, the return of the examiner shall be found erroneous, and it is declared as the result of such analysis, that the articles may properly, safely, and without danger, be used for medicinal purposes.

2936. *Appeal from examination.* The owner or consignee shall at all times, when dissatisfied with the examiner's return, have the privilege of calling, at his own expense, for a reexamination; and the collector, upon receiving a deposit of such sum as he may deem sufficient to defray such expense, shall procure some competent analytical chemist possessing the confidence of the medical profession, as well as of the colleges of medicine and pharmacy, if any such institutions exist, in the State in which the collection district is situated, to make a careful analysis of the articles included in the return, and a report upon the same under oath. In case this report, which shall be final, shall declare the return of the examiner to be erroneous, and the

articles to be of the requisite strength and purity, according to the standards referred to in the next preceding section, the entire invoice shall be passed without reservation, on payment of the customary duties.

2937. *Exportation of rejected articles.* If the examiner's return, however, shall be sustained by the analysis and report, the articles shall remain in charge of the collector, and the owner or consignee, on payment of the charges of storage and other expenses necessarily incurred by the United States, and on giving a bond with sureties satisfactory to the collector to land the articles out of the limits of the United States, shall have the privilege of reexporting them at any time within the period of six months after the report of the analysis; but if the articles shall not be sent out of the United States within the time specified, the collector, at the expiration of that time, shall cause the same to be destroyed, and hold the owner or consignee responsible to the United States for the payment of all charges, in the same manner as if the articles had been reexported.

2938. *Appraiser as special examiner.* One of the assistant appraisers at the port of New York, to be appointed with special reference to his qualifications for such duties, shall, in addition to the duties that may be required of him by the appraiser, perform the duties of a special examiner of drugs, medicines, chemicals, and so forth.

2939. *Appraisal at New York.* The collector of the port of New York shall not, under any circumstances, direct to be sent for examination and appraisal less than one package of every invoice, and one package at least out of every ten packages of merchandise, and a greater number should he, or the appraiser, or any assistant appraiser, deem it necessary. When the Secretary of the Treasury, however, from the character and description of the merchandise, may be of the opinion that the examination of a less proportion of packages will amply protect the revenue, he may, by special regulation, direct a less number of packages to be examined.—Approved, June 26, 1848. (U. S. Statutes at Large, vol. 9, p. 237. U. S. Compiled Statutes, 1901, vol. 2, p. 1936 et seq.)

The regulations for the enforcement of this act will be found in the Customs Regulations of 1908, articles 899 to 914, inclusive.

3. Laws and Regulations Governing the Importation of Opium.

The following references are given, where the laws and regulations governing the importation of opium will be found:

An act to prevent the importation of opium by Chinese. (Secs. 1 and 2, U. S. Compiled Statutes, 1901, vol. 3, pp. 3198–3199.)

An act to prohibit the importation and use of opium for other than medicinal purposes. Approved, February 9, 1909. (Law and regulations given in Treasury Decision 29657, Mar. 27, 1909.)

4. Laws Bearing on the Inspection of Tea.

The inspection of tea is carried on by the Treasury Department at the port of entry, under the act of March 2, 1907, as amended by the act of May 16, 1908.

(a) AN ACT TO PREVENT THE IMPORTATION OF IMPURE AND UNWHOLESOME TEA, 1897.

That from and after May first, eighteen hundred and ninety-seven, it shall be unlawful for any person or persons or corporation to import or bring into the United States any merchandise as tea which is inferior in purity, quality, and fitness for consumption to the standards provided in section three of this act, and the importation of all such merchandise is hereby prohibited. [T. D. 17995, 19022, 19179, 25119.]

SEC. 2. That immediately after the passage of this act, and on or before February fifteenth of each year thereafter, the Secretary of the Treasury shall appoint a board to consist of seven members, each of whom shall be an expert in teas, and who shall

prepare and submit to him standard samples of tea; that the person so appointed shall be at all times subject to removal by the said Secretary, and shall serve for a term of one year; that vacancies in the said board occurring by removal, death, resignation, or any other cause shall be forthwith filled by the Secretary of the Treasury by appointment, such appointee to hold for the unexpired term; that said board shall appoint a presiding officer, who shall be the medium of all communications to or from such board; that each member of said board shall receive as compensation the sum of fifty dollars per annum, which, together with all necessary expenses while engaged upon the duty herein provided, shall be paid out of the appropriation for "expenses of collecting the revenue from customs." [T. D. 23509.]

SEC. 3. That the Secretary of the Treasury, upon the recommendation of said board, shall fix and establish uniform standards of purity, quality, and fitness for the consumption of all kinds of teas imported into the United States, and shall procure and deposit in the customhouses of the ports of New York, Chicago, San Francisco, and such other ports as he may determine, duplicate samples of such standards; that said Secretary shall procure a sufficient number of other duplicate samples of such standards to supply the importers and dealers in tea at all ports desiring the same at cost. All teas or merchandise described as tea, of inferior purity, quality, and fitness for consumption to such standards shall be deemed within the prohibition of the first section hereof. [T. D. 17944, 18131, 18960.]

SEC. 4. That on making entry at the customhouse of all teas or merchandise described as tea imported into the United States, the importer or consignee shall give a bond to the collector of the port that such merchandise shall not be removed from the warehouse until released by the collector, after it shall have been duly examined with reference to its purity, quality, and fitness for consumption; that for the purpose of such examination samples of each line in every invoice of tea shall be submitted by the importer or consignee to the examiner, together with the sworn statement of such importer or consignee that such samples represent the true quality of each and every part of the invoice and accord with the specifications therein contained; or, in the discretion of the Secretary of the Treasury, such samples shall be obtained by the examiner and compared by him with the standards established by this act; and in cases where said tea or merchandise described as tea is entered at ports where there is no qualified examiner as provided in section seven, the consignee or importer shall in the manner aforesaid furnish under oath a sample of each line of tea to the collector or other revenue officer to whom is committed the collection of duties, and said officer shall also draw or cause to be drawn samples of each line in every invoice and shall forward the same to a duly qualified examiner as provided in section 7: *Provided, however,* That the bond above required shall also be conditioned for the payment of all customhouse charges which may attach to such merchandise prior to its being released or destroyed (as the case may be) under the provisions of this act. [T. D. 18591.]

SEC. 5. That if, after an examination as provided in section four, the tea is found by the examiner to be equal in purity, quality, and fitness for consumption to the standards hereinbefore provided, and no reexamination shall be demanded by the collector as provided in section six, a permit shall at once be granted to the importer or consignee declaring the tea free from the control of customs authorities; but if on examination such tea or merchandise described as tea is found, in the opinion of the examiner, to be inferior in purity, quality, and fitness for consumption to the said standards, the importer or consignee shall be immediately notified, and the tea or merchandise described as tea shall not be released by the customhouse unless on a reexamination called for by the importer or consignee the finding of the examiner shall be found to be erroneous: *Provided,* That should a portion of the invoice be passed by the examiner a permit shall be granted for that portion and the remainder held for further examination, as provided in section six.

SEC. 6. That in case the collector, importer, or consignee shall protest against the finding of the examiner, the matter in dispute shall be referred for decision to a board of three United States general appraisers, to be designated by the Secretary of the

Treasury, and if such board shall, after due examination, find the tea in question to be equal in purity, quality, and fitness for consumption to the proper standards a permit shall be issued by the collector for its release and delivery to the importer; but if upon such final reexamination by such board the tea shall be found to be inferior in purity, quality, and fitness for consumption to the said standards, the importer or consignee shall give a bond, with security satisfactory to the collector, to export said tea or merchandise described as tea out of the limits of the United States within a period of six months after such final reexamination; and if the same shall not have been exported within the time specified, the collector, at the expiration of that time, shall cause the same to be destroyed. [T. D. 18177, 19142, 21387.]

SEC. 7. That the examination herein provided for shall be made by a duly qualified examiner at a port where standard samples are established, and where the merchandise is entered at ports where there is no qualified examiner, the examination shall be made at that one of said ports which is nearest the port of entry, and that for this purpose samples of the merchandise, obtained in the manner prescribed by section four of this act, shall be forwarded to the proper port by the collector or chief officer at the port of entry; that in all cases of examination or reexamination of teas, or merchandise described as tea, by examiners or boards of United States general appraisers under the provisions of this act, the purity, quality, and fitness for consumption of the same shall be tested according to the usages and customs of the tea trade, including the testing of an infusion of the same in boiling water, and, if necessary, chemical analysis.

SEC. 8. That in cases of reexamination of teas, or merchandise described as teas, by a board of United States general appraisers in pursuance of the provisions hereof, samples of the tea, or merchandise described as tea, in dispute, for transmission to such board for its decision, shall be put up and sealed by the examiner in the presence of the importer or consignee if he so desires, and transmitted to such board, together with a copy of the finding of the examiner, setting forth the cause of condemnation and the claim or ground of the protest of the importer relating to the same, such samples, and the papers therewith, to be distinguished by such mark that the same may be identified; that the decision of such board shall be in writing, signed by them, and transmitted, together with the record and samples, within three days after the rendition thereof, to the collector, who shall forthwith furnish the examiner and the importer or consignee with a copy of said decision or finding. The board of United States general appraisers herein provided for shall be authorized to obtain the advice, when necessary, of persons skilled in the examination of teas, who shall each receive for his services in any particular case a compensation not exceeding five dollars.

SEC. 9. That no imported teas which have been rejected by a customs examiner or by a board of United States general appraisers and exported under the provisions of this act, shall be reimported into the United States under the penalty of forfeiture for a violation of this prohibition. [T. D. 19322.]

SEC. 10. That the Secretary of the Treasury shall have the power to enforce the provisions of this act by appropriate regulations.

SEC. 11. The teas actually on shipboard for shipment to the United States at the time of passage of this act shall not be subject to the prohibition hereof, but the provisions of the act entitled "An act to prevent the importation of adulterated and spurious teas," approved March second, eighteen hundred and eighty-three, shall be applicable thereto.

SEC. 12. That the act entitled, "An act to prevent the importation of adulterated and spurious teas, approved March second, eighteen hundred and eighty-three, is hereby repealed, such repeal to take effect on the date on which this act goes into effect.

Approved, March 2, 1897.

Treasury Regulations for the enforcement of the above act:
T. D. 31343, March 1, 1911.

(b) AMENDMENT TO ACT OF 1897.

That section one of "An act to prevent the importation of impure and unwholesome tea," approved March second, eighteen hundred and ninety-seven, be amended by adding at the end thereof the following words: "*Provided*, That nothing herein shall affect or prevent the importation into the United States, under such regulations as the Secretary of the Treasury may prescribe, of any merchandise as tea which may be inferior in purity, quality, and fitness for consumption to the standards established by the Secretary of the Treasury, or of any tea waste, tea siftings, or tea sweepings, for the sole purpose of manufacturing theine, caffeine, or other chemical products whereby the identity and character of the original material is entirely destroyed or changed: and that importers and manufacturers who import or bring into the United States such tea, tea waste, tea siftings, or tea sweepings, shall give suitable bond, to be approved as to amount and securities by the Secretary of the Treasury, conditioned that said imported material shall be only used for the purposes herein provided, under such regulations as may be prescribed by the Secretary of the Treasury.

Treasury Regulations for the enforcement of the above act: T. D. 31343.

(c) OPINION OF THE ATTORNEY GENERAL AS TO THE RELATION OF THE TEA-INSPECTION ACT AND THE FOOD AND DRUGS ACT.

I am of the opinion that there is no such repugnancy between the special tea-inspection act of 1897 and the general Food and Drugs Act of 1906 as to prevent them, generally speaking, from standing together; that the provisions of the tea-inspection act cover in respect to the importation of tea matters not embraced within the Food and Drugs Act, while the Food and Drugs Act in turn imposes restrictions upon the importation of all food and drugs, including tea, which are not necessarily embraced in the tea-inspection act; that the Food and Drugs Act does not plainly appear to have been intended as a substitute for the earlier statute in the matter of the importation of tea; but that, generally speaking, the two statutes are cumulative in so far as the importation of tea is concerned and should both be given effect; and hence, that an importation of tea is now subject to the provisions of both of these acts; that is to say, it must comply with the standards established by the Secretary of the Treasury under the tea-inspection act and must also stand the tests in reference to adulteration and misbranding imposed by the Food and Drugs Act. I am therefore of the opinion, to reply specifically to your question, that imported tea, although meeting the requirements of the tea-inspection act of 1897, is still subject to the provisions of the Food and Drugs Act regarding adulteration, labeling, misbranding, and guaranty.

It, of course, follows from what has been said that, if in the administration of these laws there should develop a repugnancy between any specific provisions of the two statutes, to the extent of such repugnancy the provisions of the Food and Drugs Act would prevail, and any conflicting provisions of the tea-inspection act would, to that extent, be impliedly repealed.

February 23, 1907.

Under this interpretation it will be seen that tea must comply with the Food and Drugs Act as far as adulteration and misbranding are concerned, while questions of standard and quality will be decided, under the tea-inspection act, by the Treasury Department.

Qualified examiners to pass upon teas are stationed at the ports of New York, Boston, Chicago, Cincinnati, San Francisco, Portland, Oregon, St. Paul, and Tacoma.

The Secretary of the Treasury has established standards based on the recommendation of the board of tea experts which require entire freedom from artificial coloring or facing matter, and consular officers have been requested to issue the regular food declaration for teas, giving all the information required. This regulation goes into

effect on May 1, 1911, except as to teas shipped from abroad prior to that date, which will be governed by the previous requirements. The laboratories should cooperate with the board of tea examiners or the Treasury Department officials, assisting them in every way possible.

5. Laws and Regulations on the Marking of Packages.

(a) TARIFF ACT OF AUGUST 5, 1909.

SEC. 7. That all articles of foreign manufacture or production, which are capable of being marked, stamped, branded, or labeled, without injury, shall be marked, stamped, branded, or labeled in legible English words, in a conspicuous place that shall not be covered or obscured by any subsequent attachments or arrangements, so as to indicate the country of origin. Said marking, stamping, branding, or labeling shall be as nearly indelible and permanent as the nature of the article will permit.

All packages containing imported articles shall be marked, stamped, branded, or labeled so as to indicate legibly and plainly, in English words, the country of origin and the quantity of their contents, and until marked in accordance with the directions prescribed in this section no articles or packages shall be delivered to the importer.

Should any article or package of the imported merchandise be marked, stamped, branded, or labeled so as not accurately to indicate the quantity, number or measurement actually contained in such article or package, no delivery of the same shall be made to the importer until the mark, stamp, brand, or label, as the case may be, shall be changed so as to conform to the facts of the case.

The Secretary of the Treasury shall prescribe the necessary rules and regulations to carry out the foregoing provision.

SEC. 8. If any person shall fraudulently violate any of the provisions of this act relating to the marking, stamping, branding, or labeling of any imported articles or packages; or shall fraudulently deface, destroy, remove, alter, or obliterate any such marks, stamps, brands, or labels with intent to conceal the information given by or contained in such marks, stamps, brands, or labels, he shall upon conviction be fined in any sum not exceeding five thousand dollars, or be imprisoned for any time not exceeding one year, or both.

(b) CUSTOMS REGULATIONS.

Art. 312. C. R. 1908.—Articles—Packages.—All articles of foreign manufacture, such as are usually or ordinarily marked, stamped, branded, or labeled, and all packages containing such or other imported articles, will not be delivered to the importer unless plainly marked, stamped, branded, or labeled in legible English words in a conspicuous place so as to indicate the country of their origin and the quantity of their contents.

Should any article or package be so marked, stamped, branded, or labeled, as to indicate a quantity, number, or measurement in excess of that actually contained therein, delivery thereof shall not be made until the mark, stamp, brand, or label, as the case may be, shall be changed under customs supervision at the expense of the importer to conform to the facts. (Act July 24, 1897, sec. 8. T. Ds. 10445, 10714, 11128, 11802, 11898, 12273, 12759, 15371, 16147, 16187, 16238, 20253, 20458, 22185.)

Art. 313. C. R. 1908.—Examination—Marking.—In order to secure an efficient enforcement of the provisions of section 8 of the act of July 24, 1897, the appraising officer shall make examination of all merchandise in his hands for appraisement, in order to ascertain whether the same is marked in accordance with the provisions of said section. In default of marking by the importer the goods shall be sent under general order, and treated as unclaimed. The marking of goods thus held in public stores shall be done by the importer under the collector's supervision for which no charge shall be made. In all cases of illegal marking of imported goods and of omission of marks on goods and packages to indicate the country of origin the appraising officer will report the facts to the collector. (T. Ds. 20178, 22496, 26017.)

Art. 905. C. R. 1908.—Name of manufacturer—Place.—Upon the entry of medicinal preparations, whether chemical or otherwise, usually imported with the name of the manufacturer and the place where prepared, careful examination must be made by the United States appraisers to see that the true name of the manufacturer, and also the place where said articles were prepared, are permanently and legibly affixed to each parcel by stamp, label, or otherwise. In default of these requisites the collector will immediately report the facts to the district attorney. (R. S., 2934.)

Art. 1033. C. R. 1908.—Marking of packages.—The provisions of section 8, tariff of 1897, and section 27, act of February 20, 1905 (Sec. 11, tariff of 1897), and the regulations thereunder, relative to the marking of packages, will be strictly observed. (See Art. 312 et seq.) (Sec. 8, act July 24, 1897, and sec. 27, act Feb. 20, 1905.)

(c) PACKAGES CONTAINING LIQUORS.

On March 18, 1910, the Secretary of Agriculture issued the following instructions to branch laboratories:

Your attention is invited to section 240 of the Criminal Code adopted by the act of March 3, 1909 (35 Stat., 1088), which reads as follows:

Whoever shall knowingly ship or cause to be shipped from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, any package of or package containing any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind, unless such package be so labeled on the outside cover as to plainly show the name of the consignee, the nature of its contents, and the quantity contained therein, shall be fined not more than five thousand dollars; and such liquor shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the seizure and forfeiture of property imported into the United States contrary to law.

The Secretary of the Treasury has issued instructions to the officers of the customs, directing them to "seize all packages shipped into the United States from foreign countries or places subject to the jurisdiction of the United States but noncontiguous thereto, containing intoxicating liquors and not labeled as required by section 240, and to take proceedings as provided for the enforcement of forfeitures for violations of the customs laws."

It is the desire of this department to render all possible assistance to the Treasury Department in the enforcement of this provision of law, and you are directed to report to the nearest collector of customs any violation of the said section 240, which may be discovered in the course of your examination of packages of intoxicating liquors shipped into the United States from foreign countries or places subject to the jurisdiction of the United States but noncontiguous thereto.

(See T. D. 30393.)

B. INSTRUCTIONS REGARDING DETAILS OF INSPECTION AT PORT LABORATORIES.

1. Invoices.

All shipments of food and drug products coming into the United States must be accompanied by an invoice prepared as required by act of June 10, 1890. Sections 2 and 3, bearing directly upon the work of food and drug inspection, are given below:

SEC. 2. That all invoices of imported merchandise shall be made out in the currency of the place or country from whence the importations shall be made or, if purchased in the currency actually paid therefor, shall contain a correct description of such merchandise, and shall be made in triplicate or in quadruplicate in case of merchandise intended for immediate transportation without appraisement, and signed by the person owning or shipping the same, if the merchandise has been actually purchased,

or by the manufacturer or owner thereof, if the same has been procured otherwise than by purchase, or by the duly authorized agent of such purchaser, manufacturer, or owner.

SEC. 3. That all such invoices shall, at or before the shipment of the merchandise, be produced to the consul, vice consul, or commercial agent of the United States of the consular district in which the merchandise was manufactured or purchased as the case may be, for export to the United States, and shall have indorsed thereon, when so produced, a declaration signed by the purchaser, manufacturer, owner, or agent, setting forth that the invoice is in all respects correct and true, and was made at the place from which the merchandise is to be exported to the United States; that it contains, if the merchandise was obtained by purchase, a true and full statement of the time when, the place where, the person from whom the same was purchased, and the actual cost thereof and of all charges thereon, as provided by this act; and that no discounts, bounties, or drawbacks are contained in the invoice but such as have been actually allowed thereon; and when obtained in any other manner than by purchase, the actual market value or wholesale price thereof at the time of exportation to the United States in the principal markets of the country from whence exported; that such actual market value is the price at which the merchandise described in the invoice is freely offered for sale to all purchasers in said markets, and that it is the price which the manufacturer or owner making the declaration would have received, and was willing to receive, for such merchandise sold in the ordinary course of trade, in the usual wholesale quantities, and that it includes all charges thereon as provided by this act; and the actual quantity thereof; and that no different invoice of the merchandise mentioned in the invoice so produced has been or will be furnished to anyone. If the merchandise was actually purchased, the declaration shall also contain a statement that the currency in which such invoice is made out is that which was actually paid for the merchandise by the purchaser.

(a) DECLARATIONS REQUIRED.

Under the Food and Drugs Act invoices of foods and drugs must be accompanied by a declaration as required by regulation 33, which is as follows:

REGULATION 33. DECLARATION. (SECTION 11.) (ART. 1024, C. R. 1908.)

(a) All invoices of food or drug products shipped to the United States shall have attached to them a declaration of the shipper, made before a United States consular officer, as follows:

I, the undersigned, do solemnly and truly declare that I am the
 (Manufacturer, agent or shipper.)
 of the merchandise herein mentioned and described, and that it consists of food or drug products which contain no added substances injurious to health.
 These products were grown in and manufactured in
 (Country.) (Country.)
 by during the year, and are exported from
 (Name of manufacturer.)
 and consigned to The products bear no false labels
 (City.) (City.)
 or marks, contain ^{no} some added coloring matter or preservative
 (Name of added color or preservative.)
, and are not of a character to cause prohibition or restriction in the country where made or from which exported.
 Dated at this day of, 19...

(Signed):

(b) In the case of importations to be entered at New York, Boston, Philadelphia, Chicago, San Francisco, and New Orleans, and other ports where food and drug inspection laboratories shall be established, this declaration shall be attached to the invoice on which entry is made. In other cases the declaration shall be attached to the copy of the invoice sent to the Bureau of Chemistry.

In addition the State Department has issued instructions that the following ports should be added: Buffalo, Cincinnati, Denver, Detroit, Galveston, Kansas City, Mo., Omaha, Pittsburg, Portland, Oreg., Savannah, Seattle, St. Louis, St. Paul, Nashville, and Honolulu.

Where the value of the goods is less than \$100, the consul has a special form of invoice (Consular No. 197) in which the declaration of the shipper is made at the top of the sheet, preceding the description of goods.

All invoices over \$100 in value are accompanied by declaration of shipper, Consular Form No. 198. At the ports where branch laboratories are located, these declarations are attached to the invoice on which entry is made. Invoices of goods for ports of entry at which no laboratory is located, and for which a triplicate copy of the invoice is sent to the bureau at Washington for inspection, have attached to the triplicate the declaration of the shipper.

In cases of shipments of food or drug products under \$100 in value, the special form of invoice (No. 197) is forwarded direct to the Bureau of Chemistry or the branch laboratory.

It is quite essential that this declaration be attached to invoices, as it is the only means in many cases of knowing the true place of production of the goods and the true name of the manufacturer. Although the statement "manufactured in" appears in these forms, the declarations are intended to accompany all shipments of foods and drugs which have been subjected to any treatment. The consular officers are instructed that they need not furnish declarations on cane or beet sugar, raw or refined, fresh fish, nuts or foods in their natural or unmanufactured state, such as barley, cereals, fruits and vegetables, but are to furnish declarations on all manufactured foods and drugs, and under the head of manufactured goods is included products such as rice, coffee, dried fruits, shelled nuts, whole paprika, cocoa, tea and other products which have been dried or treated in any manner. Spices and crude drugs also should have a declaration. The bureau's attention should be called to all cases where these declarations are not attached to the invoices.

(b) EXCEPTIONS WHERE DECLARATIONS ARE NOT REQUIRED.

When the food or drug product forms an incidental and insignificant part of the other products in the invoice, this declaration may be omitted, or if the total value of the incidental food or drug products is less than \$100, and provided, of course, that the food or drug products themselves are incidental and not the chief part of the invoice. Some of the consuls, especially the consul general at Hong-kong, state that almost every shipment of Chinese goods from that port contains a small quantity of soy or ginger of only incidental value, thus imposing upon the exporter and upon the consul general a very considerable amount of labor in giving separate certificates for the food products themselves. When, however, the invoice is chiefly a food or drug product, or when any considerable portion of it consists of a food or drug product, the customary certificate will be required. (Instructions to laboratories, May 13, 1908.)

Under F. I. D. 60 the department has held that it is not necessary to have a declaration in the case of minor border importations such as farmers along the border bring in with their own teams, maple sugar in small cans and like articles of food products of their own raising, and offer for entry at the different offices on the frontier.

Shipments of cream and milk from Canada which are the product of small farms lying near the boundary line and at a distance from any American consular officer are permitted entry if accompanied by declarations certified by the nearest United States customs officer, in lieu of having them certified before an American consul.

(c) PRO FORMA INVOICES.

A pro forma invoice is a provision of the Customs Regulations whereby, if for any reason, through delays of mails, or otherwise, the regular invoice is delayed, a statement in the form of an invoice may be presented at the customhouse by an owner or importer, and if duly verified is allowed as a substitute, the consular invoice being filed later. Further, if the value of a shipment of goods is less than \$100, it is not necessary to have a consular invoice, and, in such case, an entry is made on the pro forma invoice.

Samples may be requested from pro forma invoices in the same manner as from regular invoices.

(d) EXAMINATION OF INVOICES.

It shall be the duty of the chief of the laboratory, or of such officer of the laboratory as may be designated by the chief for said purpose, to examine and inspect each and every invoice containing any item of food or drug product or confectionery that may pass through the office of the appraiser of merchandise. Said examination and inspection shall be made at such time and place as may be agreed upon by the appraiser of merchandise and the chief of laboratory, as provided by article 1015, Customs Regulations 1908, as follows:

Art. 1015, C. R. 1908. Examination of invoices.—The appraiser shall permit the representative of the Department of Agriculture to examine invoices of foods, drugs, medicines, or liquors, and the assistant appraisers and examiners will not allow invoices to finally pass from their custody until the invoices have been so examined, but no invoice shall be detained for this purpose longer than during the day of appraisement.

The word "representative" as used in this article shall apply to the chief or acting chief of the port laboratories of the Department of Agriculture or to food and drug inspectors who are detailed to the duty of inspecting imported foods and drugs. (Sec. 11, act June 30, 1906.)

(e) SAMPLE REQUESTED.

If the inspection of an invoice discloses any item of merchandise from which sample is desired, the officer making the inspection shall attach to such invoice by pasting to the edge thereof in such a manner as to protrude and be readily noted by all persons handling the same a "sample requested" blank properly filled out, designating the particular case from which the sample is desired and the amount of such sample. (For the form see article 1016, Customs Regulations, given on page 64.)

Art. 1016, C. R. 1908. Request for samples.—If samples are desired, the representative of the Department of Agriculture will attach to the invoice a request in the following form:

| | | |
|------------------------------------------------------------------------------------------------|----------|-------------------|
| U. S. Department of Agriculture, Bureau of Chemistry. FOOD AND DRUG PRODUCTS. | | |
| Laboratory No. | | Sample requested. |
| Marks and Nos. | Article. | Amount. |
| | | |
| Sample {ordered } , 19.. {forwarded} | | |
| <i>Examiner.</i> | | |
| <i>Chief, Food and Drug Inspection Laboratory, Port of.....</i> | | |

If the inspection of an invoice discloses no item of merchandise from which sample is desired, then the officer making the inspection shall plainly stamp said invoice with the legend "No sample desired, U. S. Department of Agriculture," to indicate that such invoice has been examined and no further action will be taken by the Department of Agriculture relative to the merchandise therein described.

(f) DETENTION OF INVOICE AND LABEL OF SAMPLE.

If the inspection of an invoice discloses an item of merchandise not then available for examination and of which it can not be determined from description contained in invoice whether or not a sample is desired, it shall be the duty of the officer making the inspection to attach to said invoice by pasting to the edge thereof in such a manner as to protrude and be readily noted by all persons handling the same a yellow "invoice detention slip" (see form below), properly filled out, describing the particular merchandise desired detained for inspection. (See article 1020, Customs Regulations, given below.) When the merchandise covered by such detention shall have been inspected the detention request slip shall be removed, and if no sample be desired for analysis the invoice shall be stamped "No sample desired," or, if a sample be desired for analysis, a "Sample requested." slip attached in a manner above described.

FOOD PRODUCTS.

INVOICE DETENTION SLIP.

Action deferred for examination of public store cases.

Marks and numbers.....

Chief, Food and Drug Inspection Laboratory.

Art. 1020, C. R. 1908. Examination of public store cases.—If at the time of the inspection of any invoice the representative of the Department of Agriculture shall desire to examine the merchandise also, and the merchandise be not yet in store for such examination, the said representative shall attach to the invoice a detention slip, in the form given above.

When this slip is attached the invoice will be held pending further action by the representative of the Department of Agriculture after his examination of the merchandise.

Wherever possible, samples shall be requested from cases ordered to appraisers' stores. If it be necessary to request samples from, or detain invoices for inspection of, cases not in public stores, the fact shall be called to the attention of the Treasury official in charge, that the same may be procured as provided in articles 1017 and 1021, Customs Regulations.

Art. 1017, C. R. 1908. Notation on invoices.—If no samples are required the invoice will be so stamped. The assistant appraiser of each division before returning an invoice will see that it bears one of these evidences of examination by the representative of the Department of Agriculture. If samples be not procurable from the examination packages, a sample ticket will be prepared by the examiner and forwarded through the usual channels. Samples with proper labels attached will be forwarded by the assistant appraiser to the food and drug inspection laboratory at the earliest practical opportunity.

Lab. No. N. Y. 17215.

U. S. DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY.

INSPECTION OF IMPORTED FOODS AND DRUGS.

LABEL FOR SAMPLES.

Port where sampled, *New York.*

Label, *Connoisseur Brand Olive Oil. Bottled in France. Société Bordelaise.*

Consulate, *Bordeaux.* No. 16165.

Marks and numbers, $\frac{M}{R}$ 5/6, 9/10.

Consignee, *John Smith & Co.*

(Address) *100 William St., New York City.*

Manufacturer, *Société Bordelaise.*

(Address) *Bordeaux, France.*

Steamer, "*Philadelphia.*"

Date of entry, *June 28, 1910.*

Entry No., *155851.*

C. H. invoice No., *28582.*

Samples forwarded, *July 9, 1910.*

The laboratory should keep the appraiser supplied with these forms.

Art. 1021, C. R. 1908. Examination of cases not in public stores.—If at the time of inspection of any invoice by the Department of Agriculture it shall be found necessary to inspect packages not ordered to the public stores, the same may be ordered in the usual manner or verified sample procured for the use of that department.

(g) SCHEDULE OF INVOICES FROM WHICH SAMPLES ARE REQUESTED.

At each inspection it shall be the duty of the officer making the same to fill out in duplicate on forms provided for that purpose a schedule of all invoices from which samples have been requested. (See following form.) These schedules shall be made separately for each division of the appraiser's office in which such requests are made, and at completion of the inspection one copy shall be filed with the chief clerk of the division from which samples are requested for checking purposes and one copy shall be kept in laboratory for record purposes.

BUREAU OF CHEMISTRY,

FOOD AND DRUG INSPECTION LABORATORY.

SCHEDULE OF INVOICES INSPECTED FROM WHICH SAMPLES ARE DESIRED.

Port New York Division, Appraiser's Store, 7th division; Time of inspection, a. m.: Date, 7/10/10.

[illegible]

Inspection made by.....

* Note—date of consultation should be given.

2. Floor Inspection.

At each inspection it shall be the duty of the officer making the same to make a record, in a book (Floor Inspection "Foods" and "Drugs") provided for such purposes, of the number of samples inspected on examiner's floor, and from which no sample is taken for reason that the same appears to be in compliance with the Food and Drugs Act, June 30, 1906.

3. Appraiser's Notice to Importer.

According to article 1018, Customs Regulations, the appraiser gives notice to the importer of samples taken, on form given below, "Appraiser's notice to importer," which should be supplied by the laboratory to the appraiser.

Art. 1018, C. R. 1908. Notice to consignee regarding samples.—The appraiser shall immediately notify the consignee that samples have been, or will be, taken according to law, and that the remainder of the importation must be held intact pending further advices from the collector.

Lab. No., *N. Y. 17215.*

UNITED STATES CUSTOMS SERVICE,
OFFICE OF THE APPRAISER,
Port of New York, July 9, 1910.

*Messrs. John Smith & Co.,
100 William Street, New York City.*

SIR: In accordance with the provisions of the Food and Drugs Act, June 30, 1906, the Secretary of Agriculture has requested, for the purpose of examination, samples from the following described importation. These samples will be taken by a Government official from the cases in the possession of the customs custody. The cost of these samples (*two quarts*) will be paid to you upon presentation, within thirty days, of the proper voucher to the Chief of the Laboratory of the Department of Agriculture for this district.

Pending this examination, you should not dispose of any of the goods heretofore delivered to you under the provisions of a penal bond given at the time of entry.

You will be immediately notified upon the completion of the analysis, and given an opportunity to present evidence if the importation is in any way contrary to law.

DESCRIPTION OF SHIPMENT.

| | |
|------------------------|-------------------------------|
| Substance. | <i>Olive Oil.</i> |
| Consular invoice. | <i>Bordeaux, No. 16165.</i> |
| Marks and Numbers. | <i>M R 5/6, 9/10.</i> |
| Steamer (or railroad). | <i>Philadelphia, 6-18-10.</i> |
| Entry No. | <i>155851.</i> |
| C. H. invoice No. | <i>28582.</i> |

Respectfully,

.....,
U. S. Appraiser.

Appraiser's notice to importer.

4. Delivery of unexamined packages under bond.

Regulation 35. Bond, Imported Foods, and Drugs. (Sec. 11.)

Unexamined packages of food and drug products may be delivered to the consignee prior to the completion of the examination to determine whether the same are adulterated or misbranded upon the execution of a penal bond by the consignee in the sum of the invoice value of such goods with the duty added, for the return of the goods to customs custody.

Art. 1028, C. R. 1908. Suspension of liquidation.—Liquidation of all entries of goods directed to be held pending examination will be suspended until it shall be ascertained whether or not delivery is to be refused under the law.

Art. 1029, C. R. 1908. Delivery under bond.—Goods which have been sampled may be delivered to the consignee, pending examination and decision by the Department of Agriculture, on the execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and, on refusal to return such goods for any cause, when demanded, for the purpose of excluding them from the country, or for any other purpose, the consignee shall forfeit the full amount of the bond. (Sec. 11, act June 30, 1906.)

5. Release.

The samples will be delivered to the laboratory by the proper officer of the Treasury Department. Immediately on receipt of the same the date of receipt shall be entered on the schedule of invoice sheet and the proper number given to the sample. It shall be the duty of the chief of the laboratory upon receipt of samples to make the inspection and analysis thereof, with all possible expedition; and upon completion thereof, if the same shall be found in compliance with the requirements of the Food and Drugs Act, June 30, 1906, to notify the importer, by means of "Release" form given below that the examination has been completed and no further detention of the shipment is desired by the Department of Agriculture. If shipment is released without prejudice a statement should be made in the space preceding "Description of shipment" as follows: "This action is taken without prejudice to future decisions in similar instances."

Lab. No., N. Y. 17215.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY.

New York, July 15, 1910.

*Messrs. John Smith and Co.,
100 William Street, New York, N. Y.*

SIR:

The inspection of the shipment described below has been completed, and it will not be further detained by this Department.

DESCRIPTION OF SHIPMENT.

| | |
|------------------------|--------------------------------|
| Substance. | <i>Olive Oil.</i> |
| Consular invoice. | <i>Bordeaux, No. 16165.</i> |
| Marks and numbers. | <i>M 5/6, 9/10</i> <i>R</i> |
| Consignee. | <i>John Smith and Co.</i> |
| Steamer (or railroad). | <i>Philadelphia.</i> |
| Entry No. | <i>155851.</i> |
| C. H. invoice No. | <i>28582.</i> |

Respectfully,

.....,
Chief, Food and Drug Inspection Laboratory.

Release.

6. Importer's Notice of Date of Hearing.

If the inspection or analysis reveals such noncompliance with the law as is deemed to require action on the part of the Department of Agriculture, it shall be the duty of the chief of the laboratory (according to Regulation 36, which follows) to forward to the importer, on form "Importer—Date of hearing," given below, a notice stating the general nature of the violation which has been ascertained, and fixing a time at which the importer may be present and submit in person or in writing testimony as to the exclusion of the shipment from entry into the United States. Such date of hearing shall be set for not longer than two days after date of detention, Sundays and holidays excepted.

REGULATION 36. NOTIFICATION OF VIOLATION OF THE LAW. (SEC. 11.)

If the sample on analysis or examination be found not to comply with the law, the importer shall be notified of the nature of the violation, the time and place at which final action will be taken upon the question of the exclusion of the shipment, and that he may be present and submit evidence, which evidence, with a sample of the article, shall be forwarded to the Bureau of Chemistry, at Washington, accompanied by the appropriate report card.

If, however, precedents have been established (see p. 74) the chief of laboratory may take action on the evidence and report directly to the customs officials the results of analysis.

Lab. No., *N. Y. 17215.*

UNITED STATES DEPARTMENT OF AGRICULTURE, BUREAU OF CHEMISTRY.

New York, July 11, 1910.

*Messrs. John Smith and Co.,
100 William Street, New York, N. Y.*

SIR:

Inspection and analysis of the sample from the following-described shipment having led to the result indicated below, you are hereby notified that action under the provisions of the Food and Drugs Act, June 30, 1906, as to the exclusion of said shipment from consumption in the United States, will be taken at the laboratory of the Department of Agriculture at *Room 1012, Appraiser's Stores, Christopher and Washington Sts., New York*, on *Wednesday, the 13th day of July, 1910*, at *1:30 o'clock p. m.*, at which time and place you may be present and submit testimony, or at or before which time you may file a statement in writing.

DESCRIPTION OF SHIPMENT.

| | |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Substance. | <i>Olive oil.</i> |
| Consular invoice. | <i>Bordeaux, No. 16165.</i> |
| Marks and numbers. | <i>M R 5/6, 9/10.</i> |
| Steamer (or railroad). | <i>Philadelphia.</i> |
| Entry No. | <i>155851.</i> |
| C. H. Invoice No. | <i>28582.</i> |
| Results of analysis. | <i>Appears to be misbranded under section 8, in that it contains peanut oil, the presence of which is not declared on the label.</i> |

Respectfully,

.....,
Chief, Food and Drug Inspection Laboratory.

Importer—Date of hearing.

7. Collector's Notice of Detention.

In case the inspection or analysis discloses such violations as to require action on the part of the Department of Agriculture, the chief of the laboratory shall also request the collector of customs (or other customs officer having charge of importations), on form "Collector—detention" given below, that he refuse the delivery of said importation or part of importation therein described pending final action of the Department of Agriculture upon the shipment involved, making a general statement at the bottom of the form as to wherein the product does not comply with the law.

Lab. No., *N. Y. 17215.*

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY.

New York, July 12, 1910.

Collector of Customs,
Port of *New York.*

SIR:

By authority of the Secretary of Agriculture I have to request that you refuse delivery, or, if the same be not in your custody, that you require the return thereof, pending action thereupon under the provisions of the Food and Drugs Act, June 30, 1906, of the following-described merchandise, a sample of which has been inspected by the Department of Agriculture with the results indicated below.

DESCRIPTION OF SHIPMENT.

| | |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Substance. | <i>Olive oil.</i> |
| Consular invoice. | <i>Bordeaux, No. 16165.</i> |
| Marks and numbers. | <i>$\frac{M}{R}$ 5/6, 9/10.</i> |
| Consignee. | <i>John Smith and Co.</i> |
| Steamer (or railroad). | <i>Philadelphia 6/28/10.</i> |
| Entry No. | <i>155851.</i> |
| C. H. invoice No. | <i>28582.</i> |
| Results of analysis. | <i>Appears to be misbranded under section 8, in that it contains peanut oil, the presence of which is not declared on the label.</i> |

Respectfully,

.....
Chief, Food and Drug Inspection Laboratory.

Collector—Detention.

8. Appraiser's Notice to Delay Return.

If it should be necessary to expedite the detention of goods, the appraiser will delay return of appraisement under article 1019 as follows:

Art. 1019, C. R. 1908. Delay of appraisement.—The appraiser may delay appraisement only upon the written request of the Department of Agriculture specifically stating the particular shipment and giving satisfactory reasons for the delay.

This request should be made on the following form, "Appraiser—delay return." The filing of this form detains the invoice in the appraiser's stores and prevents its being returned to the custom-house, where it would be liquidated and a permit issued for the delivery of the examination packages or the goods on the dock. This form is frequently used to delay the return of an invoice until forms "Collector—detention" and "Importer—date of hearing" can

reach the proper persons. As it is necessary that this request for delay be canceled before the invoice can be returned to the collector; in all cases where this form is used it should be canceled by means of the "Release" form (see p. 69).

Lab. No., N. Y. 17215.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY.

New York, July 12, 1910.

Appraiser of Merchandise,
Port of *New York*.

Sir:

A report has been made to the collector regarding the shipment of goods described below. You will please delay your return of appraisal until further notice.

DESCRIPTION OF SHIPMENT.

| | |
|------------------------|---------------------------------|
| Substance. | <i>Olive oil.</i> |
| Consular invoice. | <i>Bordeaux, No. 16165.</i> |
| Marks and numbers. | <i>M 5/6, 9/10.</i> <i>R</i> |
| Consignee. | <i>John Smith & Co.</i> |
| Steamer (or railroad). | <i>Philadelphia.</i> |
| Entry No. | <i>155851.</i> |
| C. H. invoice No. | <i>28582.</i> |

Respectfully,

.....,
Chief, Food and Drug Inspection Laboratory.

Appraiser—Delay return.

9. Statement of Violation to Collector.

After the hearing it shall be the duty of the chief of the laboratory to consider the evidence submitted and if the same be of sufficient weight to overcome the objections based on the analysis or inspection, he may request the collector of customs to release the shipment involved. In case it appears at the hearing that the importer desires to reship the goods the laboratory is authorized to report the case directly to the collector, notifying the importer that he must make written request to the collector of customs asking that the goods be reshipped under customs supervision, as provided in T. D. 29935. In case no evidence is submitted, or the evidence is not sufficient to remove the objections based upon the analysis, he shall proceed as follows:

First. Cases where precedents have been established (see p. 74).—These cases should be certified directly to the collector on form "Collector—Statement of violation" (which follows), according to the precedent which has been established, stating wherein the articles are misbranded or adulterated, or come within any of the other restrictions in section 11 of the Food and Drugs Act, specifying the details wherein the particular shipment does not comply with the law. Statement should be made regarding previous shipments by the same importer as to whether or not these shipments have been found to be in violation and whether or not the attention of the importer has been called to this violation, with also a statement of the facts brought out at the hearing. An exact copy of this statement to the collector should be given on back of report card forwarded to Washington, and should be headed "Statement to collector" and signed by the chief of the laboratory.

Lab. No., N. Y. 17215.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY.

New York, July 13, 1910.

Collector of Customs,
Port of New York.

Sir:

Regarding shipment described below, I beg to report that the same is *misbranded under section 8, in that it contains peanut oil, the presence of which is not declared on the label. Importer, in response to notice of hearing, called and requested permission to relabel the goods. First notice.*

DESCRIPTION OF SHIPMENT.

| | |
|------------------------|---------------------------------|
| Substance. | <i>Olive oil.</i> |
| Consular invoice. | <i>Bordeaux, No. 16165.</i> |
| Marks and numbers. | <i>M 5/6, 9/10.</i> <i>R</i> |
| Consignee. | <i>John Smith and Co.</i> |
| Steamer (or railroad). | <i>Philadelphia.</i> |
| Entry No. | <i>155851.</i> |
| C. H. invoice No. | <i>28582.</i> |

Respectfully,

.....,
Chief, Food and Drug Inspection Laboratory.

Collector—Statement of violation.

Second. Where no precedents have been established.—In these cases as soon as the analytical results are completed, indicating that the product is adulterated, and it seems necessary to have a check examination made, samples should be immediately forwarded to the Bureau of Chemistry with a statement on the description of sample as to the fault found with the product. After the hearing has been held a complete report with the analytical card and the evidence obtained at the hearing should be sent to the Chief of the Bureau of Chemistry with whatever recommendation the chief of the laboratory may desire to make, for consideration and report to the Secretary of Agriculture, who will report his findings to the Secretary of the Treasury for action, the Secretary of the Treasury communicating directly with the collector of customs in charge. In case the importer submits no evidence a statement of this fact should be made to the bureau.

If, however, it develops at the hearing that the importer is willing to relabel or repick, as suggested by the chief of laboratory, the chief of laboratory shall have the authority to report such cases directly to the collector for his action.

The branch laboratory will be informed of the final action taken by the Treasury Department on forms "Treasury decision—relabel," "Treasury decision—reship," "Treasury decision—reship under section 11," and "Treasury decision—meat inspection." This report of action is simply for the information of the laboratory, but not to be used for directing actions of the customs officials, who will receive their instructions from the Treasury Department. You are, however, instructed to give the customs officials whatever assistance may be in your power regarding the handling of these cases when it is requested.

10. Appeals.

In cases where appeals are made from decisions of the laboratory, the laboratory will make a complete statement of the case, forwarding a check sample and all evidence to Washington.

11. Exportation of Rejected Shipments.

Regulation 38. Shipment beyond the jurisdiction of the United States. (Section 11.)

The time allowed the importer for representations regarding the shipment may be extended at his request to permit him to secure such evidence as he desires, provided that this extension of time does not entail any expense to the Department of Agriculture. If at the expiration of this time, in view of the data secured in inspecting the sample and such evidence as may have been submitted by the manufacturers or importers, it appears that the shipment can not be legally imported into the United States, the Secretary of Agriculture shall request the Secretary of the Treasury to refuse to deliver the shipment in question to the consignee, and to require its reshipment beyond the jurisdiction of the United States.

Art. 1022, C. R. 1908. Exportation of rejected goods—Bond.—Upon the receipt of advice of the Department of Agriculture that the goods can not be legally imported, delivery will be refused, in which case the goods may be exported by the consignee, under customs supervision, bond being given for due landing abroad. In default of such exportation within three months from the date of notice of refusal of delivery, the goods shall be destroyed under customs supervision. (Act June 30, 1906, sec. 11.)

Treasury decision on refunding duties paid on condemned importations of food products.—The Secretary of the Treasury has informed the Secretary of Agriculture, under date of February 17, 1905, in regard to the duties paid upon imported food products before the inspection thereof has been completed by the Department of Agriculture, that in case the inspection is of such character as to require the reshipment of the products in question beyond the jurisdiction of the United States, estimated duties paid under such circumstances will be refunded to the importer when delivery has been refused and the merchandise has been either destroyed or exported under the regulations.

12. Report on Disposition of Case.

The chief of the laboratory shall mail to the Chief of the Bureau of Chemistry one copy of the final action taken by the collector of customs on each shipment detained, in accordance with T. D. 30582, which is as follows:

Referring to the last paragraph of T. D. 29368 of December 1, 1908, which is as follows:

A statement in duplicate of the disposition made of each shipment detained will be furnished to the chief of the local food and drugs laboratory, I have to advise you that this paragraph applies to *all* shipments detained under the Food and Drugs Act, not merely to those shipments covered by the precedents.

13. List of Precedents.

(a) FOODS.

1. Misbranding for volume and weight.—Section 8.
2. Misbranding as to manufacturer.—Section 8, regulation 18.
3. Incorrect country of production.—Misbranded under section 8.
4. Product of one country labeled in language of another.—Regulation 17(c) as amended in F. I. D. 84.

5. Guarantees under false serial numbers.—Misbranded under section 8.

6. Guaranty legend not in proper form, the statement being made that the goods are guaranteed by the manufacturer who is a resident of a foreign country.—Misbranded under section 8.

[The preceding six precedents refer in general to all products that come under the food and drugs act.]

7. Artificial color not declared, where necessary, or not properly declared. Artificial coloring matter should be declared wherever it is used for the purpose of imitating the color of a natural product the name of which is borne by the article; it can not be used where it conceals inferiority.

8. Cases where indigo disulpho acid is incorrectly called a vegetable dye, as has been found in the labeling of *Crème de Menthe*.—Misbranded under section 8.

9. Where aniline dye used is not one permitted in F. I. D. 76.—Such products are excluded under section 7, paragraph 5.

10. Colors brought in for food purposes which contain arsenic (As_2O_3) in excess of one part in seven hundred thousand.—Adulterated under section 7, paragraph 5.

11. Fluorides, borax (boric acid), salicylic acid.—Adulterated under section 7, paragraph 5, under foods, in that it contains a poisonous or deleterious ingredient (giving the name of ingredient) which may be deemed injurious to health.

12. Products labeled as brandy when they are cordials.—Misbranded under section 8.

13. Brandies which are misbranded under section 8, being labeled as “Cognac” when, as a matter of fact, they are not entitled to that name, because not produced from wine made from grapes grown in the Charente and Charente Inférieure in France.

14. Where a brandy bears the legend “*Marque déposée à Cognac*” in such a way as to mislead the purchaser and make him believe that the product is a true Cognac when it is not.

15. *Eau de Vie de Dantzic*.—Misbranded under section 8 of the law, in that it is not “*Eau-de-Vie*,” nor is it manufactured in Dantzic.

16. Products labeled as having an ingredient removed, when, as a matter of fact, such ingredient has not been completely removed, for example, when coffee is labeled as being “Caffein free,” when examination shows that all the caffein has not been removed.—Misbranded under section 8.

17. Products labeled “*Essence of Coffee*” which are found to be mixtures of the real essence of coffee with other substances.—Misbranded under section 8.

18. Products which are misbranded under section 8 because they are called jellies when, as a matter of fact, they are preserves.

19. Fruit, jams, etc., containing glucose where the glucose is not declared.—Adulterated under section 7, paragraphs 2 and 3, under foods.

20. Products labeled as olive oils but found to be adulterated.—Section 7, paragraphs 1 and 2, under foods.

21. Ground paprika and other ground red pepper containing added oil.—Adulterated under section 7.

22. Sardines, sprats, etc., put up either wholly or in part in oils other than olive oil and so branded that the nature of the oil is not declared.—Misbranded under section 8.

23. Rice—no declaration of glucose and talc, or other coating.—Misbranded under section 8 and contrary to F. I. D. 67.

24. Other starches labeled as sago flour.—Adulterated under section 7, paragraph 2; misbranded under section 8.

25. Cheese low in fat.—Adulterated under section 7, paragraph 3, under foods; misbranded under section 8.

26. Products which are misbranded because called "Extract" when they are not entitled to be called by that term.

27. All imported food products where the examination shows that they are adulterated under section 7, paragraph 6, which states that an article is adulterated "If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance." This applies to such products as figs, etc., which examination has shown are frequently unfit for consumption because of the presence of worms, molds, etc.

28. Nutmegs, worm-eaten, to be repicked and reinspected before release. This same to apply to beans and similar products.—Adulterated under section 7, paragraph 6, under foods.

29. All goods which examination shows to be adulterated, where repicking is practicable and will produce a satisfactory article. The repicked material to be examined to ascertain whether the articles are properly cleaned, in which event they should be released.

30. Products ordinarily used for food, which are brought in for technical purposes and the latter fact is not developed until the time of hearing.

31. Cases where meat and meat food products are so badly decomposed as to render them unfit for consumption.—In violation of section 7, paragraph 6.

32. Meats without meat-inspection certificates, or when certificate is plainly incorrect.—Violation of regulation 32 and F. I. D. 74 under section 11. No certificate should be accepted if the authority of veterinarian has not been viséed by an American consul. Laboratories will be kept advised from week to week of such additions as are made to the viséed list.

33. Alcohol contained in confectionery.—Adulterated under section 7, second in the case of confectionery.

(b) DRUGS.

1. Drugs in which alcohol is present and not declared or is incorrectly declared.—Misbranded under section 8, paragraph 2, under drugs.

2. Drugs which are misbranded under section 8 because of false and misleading statements on the label or the wrapper concerning the properties of the preparation.

3. Drugs which are misbranded under section 8, in that the label stated the presence of certain constituents which examination proves to be absent, or where the label states that certain constituents are present in certain amounts which are found to be present in substantially different amounts.

4. Drugs which are adulterated under section 7 because sold under a name recognized by the United States Pharmacopœia, whereas examination shows that they do not clearly comply with the pharmacopœial requirements, the drugs being misbranded because the way in which they differ from the Pharmacopœia is not entered upon the label.

5. Asafœtida which does not comply with the Pharmacopœia in alcohol soluble material.—Adulterated under section 7, paragraphs 1 and 2, under drugs; misbranded under section 8; in violation of section 11.

Asafetida containing 35 per cent, or more, of alcohol-soluble material will be permitted entry if the importer files bond or makes affidavit to the effect that it will be used in the manufacture of certain commodities, enumerating the preparations, and that a proportionately larger quantity of the product will be used, depending upon the strength of the article, in the manufacture of official preparations of asafetida. Under no circumstances, if the product is below the United States Pharmacopœial standard, should the article be permitted entry unless its own standard of strength or purity is stated.

6. Products labeled as "Oil of Almonds, Artificial," when they are not artificial oil of almonds, but benzaldehyde.—Misbranded under section 8.

14. Preparation of Report Cards.

The report cards are to be filled out in duplicate from the "Schedule of invoices" or "Label for samples" form in the manner indicated below. In the space left for label should be stated first the name of the substance in parenthesis, followed by the label in quotation marks (see copy of card given below). In the space for the consular invoice should be stated the consulate, the number of the invoice, and the date of consulation. The other blanks should be filled out as directed, except that in most of the customhouses there will be no customhouse invoice number. After the name of the steamer should be entered the date of entry. In the blank following "Action," should be stated what has been done with the shipment, as, for instance, "Released," "Released without prejudice," "Released with warning," or "Detained." The following general principles should guide in regard to releasing shipments:

1. *Straight release.* This is given when no violation of the law is detected.

2. *Release without prejudice.* This is given—

(1) When so instructed by the department regarding any class of merchandise.

(2) When there is some question either as to what constitutes a proper standard of purity or identity for the substance in question or as to what is a correct label. In such cases there is the possibility that information may be obtained in the future that would make the detention of similar importations necessary.

(3) When for some reason the analysis has not been completed within a reasonable length of time after entry and no violation is apparent.

3. *Release with warning.* This is given—

(1) When so instructed by the department, as in the case of shipments which have been detained and evidence referred to the department for consideration.

(2) It is occasionally given when there is some technical incorrectness of label but where no real deception is involved and relabeling would accomplish no useful purpose. This procedure should be used very sparingly.

(3) When goods have been consulated prior to the issuance of a food decision regulating its entry.

In cases referred to Washington, above the word "Action" should be stamped whether or not a sample has been sent. The analytical results should be entered on the card and the analyst's initials

placed on the lower right-hand side of the space headed "Port laboratory," while on the lower left-hand side of the card should be placed the signature of the chief of the laboratory.

Port No., *N. Y. 17215.* Label (*Olive Oil*) "*Huile d'Olive, Superfine Clarifée.*"
.....
Cons. Invoicee, *Bordeaux, 16165, 6/18/10.* Marks, $\frac{M}{R}$ *5/6, 9/10.*
Date consulated.
Consignee, *John Smith & Co.*
Manufacturer, *Jones & Adams.* Entry, *155851.* C. H. Inv., *28582.*
No sample sent.
Steamer, *Philadelphia, 6/28/10.* Reeived *July 10, 1910.* Action *Detained.*
Date.

| Port Laboratory. | | Washington Laboratory. | |
|----------------------------------|------------------|------------------------|-------|
| <i>Sp. gr. (15.6°)</i> | <i>0.9186</i> | ..... | ..... |
| <i>Index Refrac. (25°)</i> | <i>1.4690</i> | ..... | ..... |
| <i>Iodin No</i> | <i>92.0</i> | ..... | ..... |
| <i>Free acids as oleic</i> | <i>0.75%</i> | ..... | ..... |
| <i>Halphen test</i> | <i>Negative.</i> | ..... | ..... |
| <i>Villavecchia test</i> | <i>Negative.</i> | ..... | ..... |
| <i>Renard test</i> | <i>Positive.</i> | ..... | ..... |
| <i>M. Pt. arach. acid</i> | <i>72°</i> | ..... | ..... |
| <i>Peanut oil, about 25 %.</i> |  | ..... | ..... |
| | <i>F. O. W.</i> | ..... | ..... |
| <i>R. E. Doolittle.</i> |  | ..... | ..... |
| Imported Foods—General. | | | |

In cases where action is taken by the laboratory along the line of precedents which have been established, on the back of the card forwarded to Washington should be placed the exact statement made to the collector (see instructions given in connection with preparing of form "Collector—Statement of violation"), as for example:

STATEMENT TO COLLECTOR.

JULY 14, 1910.

Misbranded under section 8, in that it contains peanut oil, the presence of which is not declared on the label. Importers appeared at the hearing and requested permission to correct the label by attaching a paster reading "Olive Oil and Peanut Oil." First notice.

R. E. DOOLITTLE.

In case no precedent has been established, after the hearing has been held the card should be immediately sent to Washington, with a statement of the reasons for detaining the shipment, the results of the hearing, and the recommendation of the chief of laboratory as to action to be taken. This statement should be given somewhat in detail, as, for instance, see following example:

STATEMENT TO BUREAU.

JULY 13, 1910.

Shipment appears to be misbranded under section 8, in that the package fails to bear upon the label the presenee and proportion of alcohol; and in that the label, circular, and carton bear statements regarding the medicinal properties of the preparation, which statements are false and misleading. Importer appeared at hearing and requested permission to remove the objectionable statements from the circular, label, and carton, and also to relabel for the presenee and proportion of alcohol.

R. E. DOOLITTLE.

It is extremely important that these statements on the backs of cards should be headed either "Statement to collector" or "Statement to bureau," as the case may be, in order that there may be no confusion in the bureau as to what action has been taken.

When additional samples are taken for reexamination, for the purpose of confirming results, or when a sample is taken for inspection after a shipment has been repicked, the same serial number should be used as has been given to the original sample, marking the report on the new sample as follows: "Second sample" or, in the case of repicking, "Repicked sample." It is necessary to use the same serial number throughout each case in order to avoid complications.

15. Monthly Reports.

The chief of the laboratory shall forward to the Chief of the Bureau of Chemistry at the end of each month a tabulated report on form "Branch laboratory—monthly report," of all inspections and analyses made and hearings conducted.

16. Inspection of American Food Products Returned from Foreign Countries.

American food and drug products returned from foreign countries should be inspected and examined in the same manner as foreign goods, special attention to be given to the condition of the product as to whether or not it is fit for consumption. In this connection attention is called to the proviso in section 2 of the Food and Drugs Act which permits certain goods to be exported which are not allowed in interstate commerce.

17. Denaturing of Food Products.

(a) **REGULATION 34. DENATURING. AS AMENDED BY F. I. D. 93
MAY 12, 1908. (SECTION 11.)**

Unless otherwise declared on the invoice, all substances ordinarily used as food products will be treated as such. Shipments of substances ordinarily used as food products intended for technical purposes should be accompanied by a declaration stating that fact. Such products should be denatured before entry, but denaturing may be allowed under customs supervision with the consent of the Secretary of the Treasury, or the Secretary of the Treasury may release such products without denaturing, under such conditions as may preclude the possibility of their use as food products.

Food Inspection Decision No. 58 provides for the labeling of products used as foods and drugs, as well as for technical and other purposes. Shipments of this class of products on which evidence is introduced to show that the goods are intended for technical purposes shall be reported to the collector of customs in the regular way where a precedent is established. Where a precedent has not been established, the evidence introduced should be reported to Washington for consideration in the usual manner.

All assistance possible should be rendered to the Treasury Department to determine whether or not such products are actually used for technical purposes. It is also suggested that products declared for technical purposes and labeled "For technical use only" should be examined from time to time and the ultimate use to which such products are put should be determined whenever possible.

(b) DENATURING OF OLIVE OIL.

Olive oil rendered unfit for use as food is admitted under special provisions of the tariff act. The following are the denaturants permitted by the Treasury Department:

To 100 gallons of olive oil to be denatured add any of the following substances:

- (1) 3 gallons rosin oil, preferably second or third runs.
- (2) 3 gallons refined destructively distilled wood turpentine, boiling not lower than 160° C.
- (3) One-half gallon pyridin.
- (4) One-half gallon creosote.
- (5) 3 gallons aniline oil.
- (6) 6 gallons dark-colored oleic acid.
- (7) 16 ounces of rosemary.
- (8) 6 ounces oleo resin capsicum.

Oil denatured according to 2, 3, 4, and 5 must be marked as poisonous.

By arrangements between the Department of the Treasury and the Department of Agriculture, samples of the above-mentioned denaturant, or of any other denaturant that may be proposed by the importers, shall be submitted to the laboratories of the Department of Agriculture for decision as to whether or not the same is suitable for denaturing olive oil, and whether or not the denaturant when used in the proportions specified in the application shall actually denature the shipment of oil for which it is proposed to use the same. These samples shall be given the regular I. S. numbers, designating them as "denaturants," and shall be tested to ascertain their fitness for the purpose specified. Mixtures of the denaturant with the olive oil in the proportion specified in the application shall be made to ascertain whether or not the oil is actually denatured so as to render the same unfit for food purposes. A report of the findings of the laboratory shall be made to the proper customs officials.

18. Paying for Imported Samples.

For all samples taken, whether found to be in violation of the law or not, the department pays the cost price plus transportation and duty. When an importer presents a bill, the amount claimed is checked with the price as figured from the invoice and recorded on the "Schedule of invoices," always taking care that previous payment for the sample has not been made. If the bill amounts to more than \$3, it is submitted on a "Form A" voucher and forwarded to the bureau, after being approved by the chief of the laboratory, the department sending a check to the importer direct. If the bill amounts to less than \$3, it is paid by the chief of the laboratory. These items are entered on the monthly expense account and in that way the chief of the laboratory is reimbursed. The entry on the "Schedule of invoices" should be marked with the date of payment and a record book also kept, in order that the amount unexpended on letters of authorization may at all times be definitely known. This book should indicate the date of forwarding vouchers to Washington, the laboratory number of samples covered, amounts of items, etc., and the balance available.

Art. 1031, C. R. 1908. Cost of samples—Duty.—The cost of samples and necessary express charges on them will be paid by the Department of Agriculture on the presentation of proper vouchers. Duty will be collected on samples. (T. D. 26839.)

19. General Expenses.

Art. 1030, C. R. 1908. Expenses—Lien.—Expenses for storage, cartage, and labor arising from the detention, for inspection and analysis, of goods admitted to entry will be borne by the Government and bills therefor will be rendered to the Secretary of Agriculture; but all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee. (T. D. 25978, 26047. Sec. 11, act June 30, 1906.)

20. Disposition of Imported Samples.

All samples should be held for one month. Adulterated or misbranded products should not be sold. Salable products will be sold at regular customs sales. In order to prevent the sale of goods which are in violation of the food and drugs act, the laboratory should make inspection of the articles advertised for sale by the Treasury Department to see whether or not they are adulterated or misbranded. (T. D. 30402.)

Food and drugs to be inspected by representative of Department of Agriculture before being advertised for sale.—The Secretary of Agriculture desires that before any foods or drugs be advertised for sale such articles be inspected by a representative of his department to ascertain whether they comply with the requirements of the food and drugs act.

Funds from sales are deposited by the collector in the Treasury, the receipt for same to be submitted to the laboratory to be transmitted to Washington. (See p. 40, under "Supplies," for further instructions.)

C. SPECIAL INSTRUCTIONS REGARDING INSPECTION AT NON-LABORATORY PORTS.

The inspection of imported food and drug products at the non-laboratory ports is carried on especially with the idea of preventing the entry at those ports of goods which have been rejected at other ports. This inspection is carried on in two ways: First, by means of invoices forwarded by the consular officers, and second, by inspection carried on by the various inspectors of the department as they have opportunity. The invoices received at the Bureau of Chemistry for goods entered at the various ports will be immediately forwarded to the branch laboratory in whose district the ports are located. From the information on these invoices requests for samples can be prepared and sent to the various customs officers in charge. This action is taken under Treasury Decision 31251, amending Treasury Decision 30201, as follows:

TREASURY DEPARTMENT, *January 28, 1911.*

To customs officers and others concerned:

The Secretary of Agriculture being desirous of inaugurating at the nonlaboratory ports a systematic inspection of all articles covered by the food and drugs act of June 30, 1906, the chief officers of customs at the ports named in the list appended hereto are instructed to send to the respective branch laboratories under which the ports are grouped in that list such samples of such articles covered by the said act as may be requested of them by the Secretary of Agriculture, by the chairman or any member of the board of food and drug inspection, chiefs or acting chiefs of the respective branch laboratories, or by the chief or acting chief of the Bureau of Chemistry in Washington, or as may be requested personally by a properly accredited food and drug inspector of the Bureau of Chemistry.

Goods which have been sampled will be delivered to the consignee only on the execution of the bond provided for in article 1029 of the Customs Regulations of 1908, under section 11 of the said act.

If the sample is found to be not in violation of the law, the chief of the laboratory will notify the collector that detention under the food and drugs act is no longer required. If the sample is found to be in violation of the law, the chief of the laboratory will advise the collector as to the proper action to be taken under any precedent that may have been established in such cases. If there be no established precedent, the question will be decided at Washington by the Department of Agriculture and the Treasury Department.

All notices will be given and hearings afforded that are provided for in the existing regulations.

The attention of collectors is directed to articles 1015 to 1033, both inclusive, of the Customs Regulations of 1908.

FRANKLIN MACVEAGH, *Secretary.*

1. Laboratory Districts of the United States Department of Agriculture.

Showing laboratories to which samples taken under the food and drugs acts are sent for examination.

Boston food and drug inspection laboratory, United States Appraiser's Stores, Boston, Mass.—Bangor, Me.; Burlington, Vt.; (Calais, Me.); Eastport, Me.; Fall River, Mass.; New Bedford, Mass.; Newport, R. I.; Newport, Vt.; Portland, Me.; Providence, R. I.; Springfield, Mass.

Buffalo food and drug inspection laboratory, Federal Building, Buffalo, N. Y.—Cape Vincent, N. Y. (Malone, N. Y.); Niagara Falls, N. Y.; Ogdensburg, N. Y.; Oswego, N. Y.; Plattsburg, N. Y.; Rochester, N. Y. (Rouse Point, N. Y.); Syracuse, N. Y.

Chicago food and drug inspection laboratory, Manhattan Building, Chicago, Ill.—Dubuque, Iowa; Marquette, Mich.; Milwaukee, Wis.; Peoria, Ill.

Cincinnati food and drug inspection laboratory, First National Bank Building, Cincinnati, Ohio.—Columbus, Ohio; Dayton, Ohio; Indianapolis, Ind.; Louisville, Ky.

Denver food and drug inspection laboratory, Tabor Opera House Building, Denver, Colo.—Nogales, Ariz.; Salt Lake City, Utah.

Detroit food and drug inspection laboratory, Telegraph Building, Detroit, Mich.—Grand Haven, Mich.; Grand Rapids, Mich. (Petoskey, Mich.); Port Huron, Mich.; Sandusky, Ohio; Toledo, Ohio.

Galveston food and drug inspection laboratory, old customhouse, Galveston, Tex.—Brownsville, Tex.; Corpus Christi, Tex.; Eagle Pass, Tex.; El Paso, Tex.; Houston, Tex. (Texas City, Tex.); (Velasco, Tex.).

Kansas City food and drug inspection laboratory, Government Building, Kansas City, Mo.—St. Joseph, Mo.

Nashville food and drug inspection laboratory, customhouse, Nashville, Tenn.—Memphis, Tenn.

New Orleans food and drug inspection laboratory, customhouse, New Orleans, La.—Mobile, Ala.

New York food and drug inspection laboratory, United States Appraiser's Stores, New York, N. Y.—Albany, N. Y.; Bridgeport, Conn.; Hartford, Conn.; Jersey City, N. J.; Newark, N. J.; New Haven, Conn. (Norwalk, Conn.); Perth Amboy, N. J. (Stamford, Conn.).

Omaha food and drug inspection laboratory, post-office building, Omaha, Nebr.—Council Bluffs, Iowa; Des Moines, Iowa; Lincoln, Nebr.; Sioux City, Iowa.

Philadelphia food and drug inspection laboratory, United States Appraiser's Stores, Philadelphia, Pa.—(Chester, Pa.); Somers Point, N. J.; Wilmington, Del.

Pittsburg food and drug inspection laboratory, Park Building, Pittsburg, Pa.—Cleveland, Ohio; Erie, Pa.

St. Paul food and drug inspection laboratory, Old Capitol Building, St. Paul, Minn.—Duluth, Minn. (Minneapolis, Minn.); Pembina, N. Dak.

San Francisco food and drug inspection laboratory, United States Appraiser's Stores, San Francisco, Cal.—Los Angeles, Cal. (Oakland, Cal.); San Diego, Cal.

Savannah food and drug inspection laboratory, customhouse, Savannah, Ga.—Atlanta, Ga.; Charleston, S. C.; Jacksonville, Fla.; Key West, Fla.; (Miami, Fla.); (Palm Beach, Fla.); (Punta Gorda, Fla.); Tampa, Fla.

Seattle food and drug inspection laboratory, Arcade Annex Building, Seattle, Wash.—Great Falls, Mont.; Port Townsend, Wash. (Spokane, Wash.); (Tacoma, Wash.).

Washington food or drug inspection laboratory, Bureau of Chemistry, Washington, D. C.—Baltimore, Md.; Georgetown, D. C.; Newbern, N. C.; Newport News, Va.; Norfolk, Va.; Petersburg, Va.; Richmond, Va.

2. Request for Samples.

Art. 1027, C. R., 1908. Immediate-transportation shipments.—Samples required from shipments entered under the immediate-transportation act will be taken at the port of delivery and not at the port of first arrival.

Requests for samples should be sent to the customs officer in charge, on the following form:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY,
Boston, Mass., June 1, 1910.

Customs officer in charge, Port of Bangor, Me.

Dear Sir:

Under the provisions of the Food and Drugs Act, June 30, 1906, and T. D. 30201, I have to request that you forward for inspection *1 tin olive oil and one box macaroni sam-*
(Quantity desired.)

ple of the following-described merchandise to Food and Drug Inspection Laboratory, U. S. Appraiser's Stores, Boston, Mass.

Where samples are taken from bulk goods a complete statement of the label on the package should accompany each sample. Special note should be made of the declaration of any added substances.

DESCRIPTION OF SHIPMENT.

Substance. *Olive oil and macaroni.*

Consular invoice. *Palermo, No. 9.*

Marks and numbers. *G C 15; G C 10 cases.*

Consignee. *Guiseppe Caressi.*

(Address) *Bangor, Me.*

Steamer (or railroad). *"Italia."*

Respectfully,

Nonlaboratory ports—Request for samples.

3. Details of Procedure.

If, from the results of examination, the samples appear to be in violation of the law, a hearing should be called in the regular manner, on form "Importer—date of hearing," sending the original to importer and a carbon copy to the customs officer for his information, stamping on the latter "Only for information."

After the hearing, if the product is found in violation of the law and is covered by a precedent, the matter should be taken up with the chief officer of customs on form "Collector—statement of violation." If not covered by a precedent, it should be handled in the regular manner, forwarding to Washington.

Analytical report cards should be stamped in the upper right-hand corner "Nonlaboratory port," and in the space above "Entry" and "C. H. Inv." should be given the name of the port from which sampled.

The chief officer of the ports covered by your districts should be supplied with "Label for samples" and forms "Appraiser's notice to importer," as required by article 1018 in the Customs Regulations.

These samples coming from nonlaboratory ports should be made special, and, where necessary, results should be telegraphed to the customs officers.

When on regular inspection trips, inspectors will investigate food and drug products entered at nonlaboratory ports as listed in T. D. 30251. If the collector of the port has received a consulated invoice covering articles on some vessel that has not yet arrived, or articles on the floor of the customhouse not delivered, the inspector should, by filling out in duplicate the form given above, request the collection of a sample of those articles which, as shown by the pamphlet of Confidential Information, are either adulterated or misbranded. The requisition for the sample should be left with the collector or the customs official in charge, and the carbon mailed immediately to the branch laboratory for that customs district. The inspector is not required either to collect the sample or pay for it; but he should indicate in his communication to the chief of the branch laboratory the invoice price of the product sampled. Inquiries concerning reimbursement or procedure on the part of customs officials can be answered by reference to the Treasury Decision quoted and the customs regulations covering detention of import shipments. Inspectors should consult frequently with chiefs of laboratories in regard to import work.

The laboratory should make a separate monthly report to the bureau of all inspections for each port under its supervision.

D. INSPECTION OF IMPORTED MEATS AND MEAT FOOD PRODUCTS UNDER THE FOOD AND DRUGS ACT.

1. Inspection Certificates Called for by Treasury Decisions and Regulation 32.

According to instructions given in T. D. 30558, April 21, 1910, and T. D. 30716, June 23, 1910, meat and meat food products imported at ports of entry where no laboratory of the department is established will be detained by the customs officials if not accompanied by a proper meat-inspection certificate. This certificate must be not only in proper form but signed by an official inspector whose authority has been viséed before an American consul. T. D. 30716 reads as follows:

IMPORTATION OF STEARIN AND OTHER MEAT PRODUCTS UNDER FOOD AND DRUGS ACT OF JUNE 30, 1906. (T. D. 30716.)

TREASURY DEPARTMENT, *June 23, 1910.*

To officers of the customs and others concerned:

At the request of the Secretary of Agriculture, T. D. 30558 of April 21, 1910, is hereby amended so as to permit the entry at nonlaboratory ports of all stearin and other meat products which are accompanied by a meat-inspection certificate in one of the forms set forth in said decision, which must be given by an official inspector of the country, district, or city in which the meat is manufactured, whose authority

shall be viséed before the United States consul. This certificate must be forwarded for inspection to the branch laboratory of the Department of Agriculture having supervision over the district in which the merchandise is entered.

Whenever shipments of such products are entered accompanied by a meat-inspection certificate which is not in accordance with the regulations, the shipment should be detained and the certificate forwarded to the proper branch laboratory of the Department of Agriculture, with the information that the shipment is detained pending decision as to the acceptance of the certificate. Ports of entry which are not included in any of the districts published in T. D. 30201 of December 17, 1909, are instructed to forward certificates to the Department of Agriculture (Bureau of Chemistry), Washington, D. C.

However, stearin purchased prior to the issuance of Food Inspection Decision 116 (April 23, 1910), and invoice of same certified before July 1, 1910, may be admitted without a meat-inspection certificate if the importer shall execute and file a penal bond conditioned upon the subsequent exportation of all such stearin. The importer must also produce, upon making entry, the original contracts and such other evidence as may be required, showing that the merchandise was purchased prior to April 23, 1910. The Department of Agriculture should be informed when the lard or other compound made of stearin is exported, and the amounts thereof.

A. PIATT ANDREW,
Assistant Secretary.

WASHINGTON, D. C., *August 15, 1910.*

Under regulation 32, given below, all meats and meat food products offered for entry into the United States must be accompanied by a certificate of official inspection.

REGULATION 32. IMPORTED FOOD AND DRUG PRODUCTS. (SECTION 11.) (ART. 1025, CUSTOMS REGULATIONS, 1908.)

(a) Meat and meat food products imported into the United States shall be accompanied by a certificate of official inspection of a character to satisfy the Secretary of Agriculture that they are not dangerous to health, and each package of such articles shall bear a label which shall identify it as covered by the certificate, which certificate shall accompany or be attached to the invoice on which entry is made.

(b) The certificate shall set forth the official position of the inspector and the character of the inspection.

(c) Meat and meat food products as well as all other food and drug products of a kind forbidden entry into or forbidden to be sold, or restricted in sale in the country in which made or from which exported, will be refused admission.

(d) Meat and meat food products which have been inspected and passed through the customs may, if identity is retained, be transported in interstate commerce.

Under this regulation it is held that importations of meat or meat food products of cattle, sheep, swine, and goats shall be subject to the same restrictions as meats of domestic origin except where specifically provided. In this connection it is to be noted that under the terms of the meat-inspection law its provisions "requiring inspection to be made by the Secretary of Agriculture shall not apply to animals slaughtered by any farmer on the farm and sold and transported as interstate or foreign commerce, *nor to retail butchers and retail dealers in meat and meat food products, supplying their customers.*"

Regulation 32, above quoted, does not contemplate that certificates shall be required for small quantities of meat and meat food products purchased across the line and brought into the United States by the purchasers for their own consumption, nor for small shipments brought in by parcel post or otherwise for the personal use of the consignees and not for sale or distribution in any way. It is suggested that these goods be released on affidavit of the consignee to above facts.

2. Definitions Adopted Under Meat-Inspection Law.

The following definitions are adopted by the Department of Agriculture under the meat-inspection law. (See Bureau of Animal Industry Order 150.)

SECTION 8. *Meat food products.*—Paragraph 1.—A meat food product, within the meaning of the meat-inspection act and of these regulations, is considered to be any article of food intended for human use which is derived or prepared in whole or in part from any edible portion of the carcass of cattle, sheep, swine, or goats, if the said edible portion so used is a considerable and definite portion of the finished food.

Paragraph 2. *Mixture.*—A mixture of which meat is an ingredient will not be considered a meat food product unless the meat contained therein is a definite and considerable portion of the said mixture. But where such mixture is prepared in a part of an official establishment, the sanitation of that part of the establishment will be supervised by the department, and the meat or meat food product will be inspected before it enters the said mixture. The mixture shall not bear the meat-inspection legend or any simulation thereof. If any reference is made to federal inspection it shall be in the following form: "The meat contained herein has been inspected and passed at an establishment where federal inspection is maintained." Mixtures such as mincemeat, soups, etc., which come under this description and which are not officially labeled, are allowed in interstate and foreign commerce without further inspection, and without certificates, subject to the provisions and requirements of the Food and Drugs Act of June 30, 1906, and the regulations made thereunder.

SECTION 9. *Medical meat products.*—Products such as meat juice, meat extract, etc., which are intended only for medicinal purposes and are advertised only to the medical profession, are not considered meat food products within the meaning of this order.

Sausage casings.—Sausage casings have been held by the board to be inedible products, in conformity with the ruling of the Bureau of Animal Industry, and hence may be imported or enter interstate commerce without meat-inspection certificates.

Bureau of Animal Industry Order 150, Regulation 23, section 5.—The only animal casings that may be used as containers in the manufacture of sausage under these regulations are those from cattle, hogs, sheep, or goats.

3. Interstate Transportation of Imported Meats and Meat Food Products. (F. I. D. 73.)

Regulation 64 of the Regulations Governing the Meat Inspection of the United States Department of Agriculture (Amendment No. 10 to B. A. I. Order No. 137) provides as follows:

Imported meats and meat food products which have not been mixed or compounded with or added to domestic meats may be transported by any common carrier from one State or Territory or the District of Columbia to any other State or Territory if the packages containing them shall be marked "Inspected under the Food and Drugs Act, June 30, 1906," and are so marked when received for transportation.

It is held that packing cases, boxes, or other coverings containing imported meats or meat food products in the original true containers which have not been mixed or compounded with or added to domestic meats may be marked with the legend "Inspected under the Food and Drugs Act, June 30, 1906," by the shipper. The interstate transportation under this legend of domestic meats and meat food products or of imported meats and meat food products which have been mixed or compounded with or added to domestic meats will subject both the shipper and the carrier to heavy penalties.

4. Interstate Shipment of Food Products Containing Imported Meat Food Products.

Certain meat food products are imported into the United States for manufacturing purposes, such as oleo stearin, to be used in the manufacture of compound lard. The manufacture of this compound and its shipment in interstate commerce is permitted provided there is present in the lard compound no domestic meat food product, and also that this compound lard is manufactured on premises separate from that where domestic meat food products are being manufactured, and the finished product is plainly labeled "Prepared from imported oleo stearin." This same principle would apply in the case of other imported meat food products used for manufacturing purposes.

5. Forms of Certificates.

(a) GENERAL FORMS.

Under Regulation 32 (see Food Inspection Decision 74) it is held that importations of meat and meat-food products of cattle, sheep, swine, and goats, shall be accompanied by certificates showing their freedom from disease. This includes oleo stearin, which will only be allowed entry under the same conditions as other meat-food products (see Food Inspection Decision 116). Meat-food products of animals other than cattle, sheep, swine, and goats need not be accompanied by this certificate. Meat and meat-food products of horses and dogs will not be allowed entry into the United States.

The certificate shall be that of an official inspector of the country, district, or city in which the meat is manufactured. Forms of certificates which are acceptable are as follows:

1. I hereby certify that the shipment of [kind of meat] consigned by..... to.....and designated by [distinguishing marks] is the product of [kind of animals] which by ante-mortem and post-mortem veterinary inspection were shown to be free from disease and suitable for food, and that the meat has not been treated with chemical preservatives or other foreign substance injurious to health.

2. I hereby certify that the meat-product factory of the firm of..... is located in the meat-inspection district of the province of.....; that the animals killed in that establishment are subjected to competent official veterinary ante-mortem and post-mortem inspections; that all of the meat sold by that firm is the product of animals free from disease; and that all meat and meat-food products of that firm are free from chemical preservatives or other foreign substances injurious to health.

The official inspector who signs the certificate shall have his authority viséed before the United States consul. One authorization of this kind will be sufficient for all shipments signed by the same inspector, and it will not be necessary to furnish a new authorization unless a new inspector signs the certificate. In this connection it is acceptable to the department if the veterinarian's authority is viséed by some official whose authority shall be viséed by the American consul, as it is often impossible for the veterinarian to appear in person before the consul.

(b) MODIFIED FORMS OF CERTIFICATES FOR MEAT PRODUCTS FROM BRITISH ISLES.

Under an agreement with Great Britain a modified form of certificate will be accepted for meat and meat-food products coming from that country. This form, however, only applies to meats coming from the British Isles and not from Australia or Canada. The local Government board furnishes this department with a list of certifying officers authorized to issue these certificates, the names of which officers appear in the list of viséed veterinarians and official inspectors issued by this bureau. Only such certificates as are signed by properly authorized inspectors should be accepted. The following forms of certificates have been agreed upon by the local Government board and the Secretary of Agriculture:

DECLARATIONS AND CERTIFICATES IN CONNEXION WITH THE EXPORT OF MEAT FOODS TO THE UNITED STATES OF AMERICA AND THE PHILIPPINE ISLANDS, AS PRESCRIBED BY THE LOCAL GOVERNMENT BOARD MEMORANDUM, 1908.

FORM A.

THE FOLLOWING DECLARATION AND CERTIFICATE ARE TO BE USED WHERE THE MEAT FOODS ARE PREPARED, STORED, AND PACKED ON, AND DISPATCHED FOR EXPORT FROM, ONE AND THE SAME PREMISES.

(1) DECLARATION by
manufacturer of meat foods in the ¹.....
.....
I (or we).....
hereby declare that the whole of the meat foods as follows: ².....
.....
packed in cases marked ³.....
.....
and shipped per.....
have been prepared, stored, and packed on, and dispatched from, the premises ⁴....
.....
(Signed)
Date

(2) CERTIFICATE by.....
designated by the Local Government Board as certifying officer in connexion with the export of meat foods to the United States of America and the Philippine Islands.
I hereby certify that the establishment ⁴.....
.....
situated in the ¹.....
and referred to in the foregoing declaration, has been and remains under the system of sanitary supervision prescribed by the Memorandum of the Local Government Board on United States and Philippine Islands meat food certification.
(Signed).....
Date.....

N. B.—The date in the certificate should in all cases be filled up by the certifying officer.

¹ State the name of the sanitary district, whether borough or urban district, or rural district.
² Specify articles.
³ Insert marks, &c.
⁴ Insert address.

DECLARATIONS AND CERTIFICATES IN CONNEXION WITH THE
EXPORT OF MEAT FOODS TO THE UNITED STATES OF AMERICA
AND THE PHILIPPINE ISLANDS, AS PRESCRIBED BY THE LOCAL
GOVERNMENT BOARD MEMORANDUM, 1908.

FORM B.

THE FOLLOWING DECLARATION AND CERTIFICATES ARE TO BE USED WHERE THE MEAT
FOODS ARE STORED AND PACKED ON, OR DISPATCHED FOR EXPORT FROM, PREMISES
OTHER THAN THOSE ON WHICH THEY ARE PREPARED.

(1) CERTIFICATE by
designated by the Local Government Board as certifying officer in connexion with the
export of meat foods to the United States of America and the Philippine Islands.

I hereby certify that the establishment ¹.....
.....
situated in the ².....

has been and remains under the system of sanitary supervision prescribed by the
memorandum of the Local Government Board on United States and Philippine
Islands meat food certification.

(Signed)

Date

(2) DECLARATION by
occupier of the premises ³.....
in the ².....

I (or we)
hereby declare that the ⁴.....

.....
packed in cases marked ⁵.....
and shipped per.....
have all been prepared in the establishment ¹.....

.....
referred to in the foregoing certificate (1), and that they have been stored and packed
on, and dispatched for export from the premises ³.....

(Signed)

Date

(3) CERTIFICATE by
designated by the Local Government Board as certifying officer in connexion with
the export of meat foods to the United States of America and the Philippine Islands.

I hereby certify that the premises ³.....
.....
situated in the ².....

and referred to in the foregoing declaration (2), have been and remain under the sys-
tem of sanitary supervision prescribed by the Memorandum of the Local Government
Board on United States and Philippine Islands meat food certification.

(Signed)

Date

N. B.—The date in the certificate should in all cases be filled up by the certifying
officer.

¹ Insert address of the establishment in which the meat foods have been prepared.

² State the name of the sanitary district, whether borough or urban district or rural
district.

³ Insert address of premises on or from which the goods have been stored, packed, or
dispatched for export.

⁴ Specify articles.

⁵ Insert marks, etc.

(c) SPECIAL RULE REGARDING CERTIFICATES FOR TRANSSHIPMENTS IN ENGLAND.

Occasional small consignments of meat from Australia, or New Zealand, are transshipped at some port in England for the United States. In order that these shipments may be allowed entry, they must be accompanied when arriving in England by a proper meat inspection certificate issued by an official veterinarian, as required by Food Inspection Decision 74, and the portion of shipment sent to the United States should be accompanied by a copy of this inspection certificate, together with a statement relative to the transshipment and the amount transshipped. These statements should come from a proper official of Great Britain, and the whole certified before an American consul.

(d) SPECIAL CERTIFICATES ACCEPTED FOR MEAT EXTRACTS PREPARED IN SOUTH AMERICA AND REPACKED IN BELGIUM.

Meat extracts of this kind would be allowed entry if accompanied by a copy of the original inspection certificate issued by the Government where the product was originally produced, to which is attached a further certificate issued by the Government of Belgium, signed by properly authorized officials. The following is an acceptable form of certification:

Copy of certificate of country of origin viséed by the American consul in Belgium, to which is attached certificate of country of manufacture.

CERTIFICATE OF COUNTRY OF ORIGIN.

The head of the cattle inspection department of the Ministry of Agriculture of the Argentine Republic, José Leon Suarez, hereby certifies that the 600 cases per "Annette Furness" s/s,

Marks & Numbers.

⊕ U. S. A.

400/1000.

Net Weight.

53116.6 Kos.

say six hundred cases of beef extract, which are to be exported by Liebig's Extract of Meat Company, Limited, and consigned to themselves at Antwerp, Belgium, for shipment to the United States, have been inspected and contain the product of healthy cattle inspected before and after slaughter by Dr. Felice Mezzadrelli, an official inspector of the cattle inspection department of the Argentine Republic, and the meat of which was sound, healthful, wholesome, and fit for human food, and prepared under sanitary conditions. This meat food product contains no preservatives or foreign substances injurious to health, and nothing has been added nor has the meat of any animal been mixed with it.

Buenos-Aires, twenty April one thousand nine hundred nine.

(Signed) JOSÉ LEON SUAREZ,

Chief, Cattle Division,

Department of Agriculture, Argentine Government.

(Viséed by American Consul at Buenos Aires.)

I certify the foregoing to be a true and exact copy of the original document exhibited to me this tenth day of June, 1910.

(Signed) HENRY W. DIEDERICH,

Consul General, Antwerp, Belgium.

(Bearing official seal of American consulate, Antwerp, Belgium.)

CERTIFICATE OF COUNTRY OF MANUFACTURE.

The product represented by this certificate was all prepared from materials certified to the Government of Belgium by the Government of the Argentine Republic as the product of healthy cattle inspected before and after slaughter by Dr. Felice Mezzadrelli, an official inspector of the cattle inspection department of the Argentine Republic, and the meat of which was sound, healthful, wholesome, and fit for human food, and prepared under sanitary conditions. This meat food product contains no preservative or foreign substance injurious to health and nothing has been added nor has the meat of any other animal been mixed with it. The preparation at Antwerp (Belgium) was under the supervision of the health officer of the city of Antwerp and such preparation was conducted in a sanitary place and manner.

The finished product of 14,778 lbs., packed in 264 cases, identification marks: C D Co., 3955/4218, covered by this certificate, is sound, healthful, wholesome, and fit for human food.

Dated at Antwerp, 8th June, 1910.

(Signed) THE INSPECTOR OF HYGIENE,
Dr. WEYSEN.

(Attested by burgomaster, whose authority is viséed by the American consul general, stamped with official seal of American consulate at Antwerp, Belgium.)

The certificates mentioned above will not take the place of port inspection as to the condition of the shipment on arrival, whether it is fit for human food, whether it is infested with vermin, or whether it contains any of the substances forbidden by the regulations for the enforcement of the meat-inspection law. This port inspection will be made by the inspectors of the Bureau of Chemistry, and if the meat or meat food product is found not to conform to the law the shipment will be rejected even if the form of certificate is acceptable.

6. Meat Inspectors and Veterinarians.

The inspection officials of the Bureau of Animal Industry stationed at New York, Philadelphia, Boston, San Francisco, Portland (Oreg.), and Seattle (Wash.), have been directed to cooperate with this bureau so that imported meats and meat food products entered at these ports, although accompanied by a proper meat inspection certificate, may actually be inspected by the experts of the Bureau of Animal Industry as to whether they are of a proper kind and in proper condition. Arrangements should be made with local officer of the Bureau of Animal Industry to ensure this inspection.

A list of veterinarians and official meat inspectors viséed before United States consuls, also official inspectors authorized by the British local government board and approved by the Department of Agriculture, is sent out from time to time.

All questionable certificates or certificates signed by a veterinarian not on our approved list, accompanying invoices of meat or meat food products, should be forwarded to the Bureau of Chemistry at Washington for filing.

III. EXPORTATION OF FOOD PRODUCTS TO COUNTRIES WHERE CHEMICAL AND PHYSICAL TESTS ARE REQUIRED.

A. AUTHORITY FOR CERTIFICATION.

The Secretary of Agriculture is authorized, under act (Public, No. 158), approved March 3, 1903, to inspect before shipment food products intended to be shipped to countries which require certificates of inspection before such products are allowed entry. This certificate should be issued only for products going to countries which require it before they will allow entry, and is not to be issued for such a case as the following: A country has different rates of duty for pure oils and mixed oils and exporters request a certificate to accompany the shipment so as to get the lower rate of duty.

The Venezuelan Government has agreed to accept the certificate signed by the Secretary of Agriculture, but the product must comply with the Food and Drugs Act and the certificate should contain a statement to that effect. This certificate should not be issued for products which are in violation of the Food and Drugs Act, bearing in mind, however, the last proviso in section 2 of the act regarding exports and regulation 31, which reads as follows:

Provided, That no article shall be deemed misbranded or adulterated within the provisions of this act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this act.

REGULATION 31. PREPARATION OF FOOD PRODUCTS FOR EXPORT. (SECTION 2.)

(a) Food products intended for export may contain added substances not permitted in foods intended for interstate commerce, when the addition of such substances does not conflict with the laws of the countries to which the food products are to be exported and when such substances are added in accordance with the directions of the foreign purchaser or his agent.

(b) The exporter is not required to furnish evidence that goods have been prepared or packed in compliance with the laws of the foreign country to which said goods are intended to be shipped, but such shipment is made at his own risk.

(c) Food products for export under this regulation shall be kept separate and labeled to indicate that they are for export.

(d) If the products are not exported they shall not be allowed to enter interstate commerce.

B. APPLICATION OF EXPORTER FOR INSPECTION.

In order that an exporter may take advantage of this provision, he must make application for such inspection on the following form, describing in detail as given below the material to be inspected. (See Form No. 1.—Application of exporter.)

Form No. 1.—Application of exporter.

UNITED STATES DEPARTMENT OF AGRICULTURE.

BUREAU OF CHEMISTRY.

(Act Public—No. 158, approved March 3, 1903, enabling the Secretary of Agriculture "to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said products are allowed to be sold in the countries mentioned * * *.")

FOOD PRODUCTS FOR EXPORT.

January 1st, 1909.

I, *James Brown*, hereby make application to the Secretary of Agriculture for an analysis of samples sent herewith, as per appended oath, of a shipment of food products as described below, consigned to *John Doe*, per *S. S. Celtic*, sailing from the port of *New York* on or about *February 1st* for the port of *Constantinople, Turkey*.

(Signed) *James Brown*.

DESCRIPTION OF SHIPMENT.

1. Name and character of food product, *Cottonseed oil*.
2. Manufactured or prepared by *The Cottonseed Refining Company*, city of *New York*.
3. Number of packages, *10 barrels*. Total weight, *10,000 lbs*.
4. Description of labels, "*Sunbeam Brand. (C-R)*"
5. Name and amount of any added preservative other than sugar, salt, vinegar, or wood smoke: *None*.
6. Name and amount of any added coloring matter: *Saffron, 1%*.

C. OATH OF EXPORTER.

The exporter will submit with his application for inspection of samples a sworn statement in the following form as to the correctness of the statements made in said application. (See Form No. 2.—Oath of exporter.)

Form No. 2.—Oath of exporter.

UNITED STATES DEPARTMENT OF AGRICULTURE.

BUREAU OF CHEMISTRY.

(Act Public—No. 158, approved March 3, 1903, enabling the Secretary of Agriculture "to inspect before shipment, when desired by the shippers or owners of these products, American food products intended for countries where chemical and physical tests are required before said products are allowed to be sold in the countries mentioned. * * *.")

FOOD PRODUCTS FOR EXPORT.

January 1st, 1909.

I, *James Brown*, do hereby solemnly swear that the statements made in Form No. 1.—Application of exporter, dated *January 1st, 1909*, attached hereto, are true in every particular, and that the samples accompanying said application are fair and average samples of the cargo of food products intended for export and are taken from the identical cargo described, in the manner required to correctly represent the constituent parts of said cargo.

(Signed) *James Brown*.

NOTARY'S CERTIFICATE.

Personally appeared before me, a notary public, in and for the city of *New York*, the party making the above oath, and acknowledged the signature thereto.

[SEAL.]

Notary Public, *John Brown*.

Date, *Jan. 1st, 1909*.

My commission expires *February 2d, 1910*.

D. TAKING OF SAMPLES AND ISSUING OF CERTIFICATES.

Samples taken in accordance with the directions contained in "Form No. 3.—Instructions for Taking Samples," should be made special by the laboratory and the certificate issued to the exporter as soon as possible, using "Form No. 4, Certification of Inspection—Export." At the present time these are issued only by the New York laboratory and the Department at Washington, and exporters desiring information should be referred to one or the other of these addresses.

The exporter should be required to submit samples in duplicate, so that one of them may be retained in the laboratory for further examination or as evidence in the event of an appeal from the finding of the laboratory.

Form No. 3.—Instructions for taking export samples.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY.

(*Act Public.—No. 158, approved March 3, 1903, enabling the Secretary of Agriculture "to inspect before shipment, when desired by the shippers or owners of these products, American food products intended for countries where chemical and physical tests are required before said products are allowed to be sold in the countries mentioned * * *."*)

FOOD PRODUCTS FOR EXPORT.

1. The samples must be drawn from the shipment actually intended for export and not from any like goods intended for other purposes.
2. Subsamples are taken from as many different packages as possible up to 10 per cent of all the packages; when less than 10 packages are to be exported at least 2 subsamples are to be taken.
3. If subsamples are taken in bulk they are to be mixed in numbers of 10 or less and the whole mass quartered until a final sample is secured which should weigh not less than 1 pound. Sampling must be done rapidly and with precaution to avoid mixing with any foreign matter and to guard against absorption or loss of moisture.
4. When subsamples are small packages, these in numbers of 10 or less are to be mixed together and the subsamples taken at random from the heap in numbers of not less than 2 to form a sample not less in weight than 1 pound.
5. Samples may be taken either at the factory during the packing for shipment or at the port where shipped, at the option of the exporter.
6. Samples are to be carefully packed and sent by express, prepaid, or by registered mail addressed to the U. S. Food and Drug Inspection Laboratory, U. S. Appraiser's Stores, Christopher and Washington Streets, New York, N. Y.
7. Such samples will be given immediate attention and a certificate of inspection forwarded without delay to the address of the exporter as specified by him.

Form No. 4.—Certificate of inspection—export.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY.

(*Act (Public, No. 158) approved March 3, 1903, enabling the Secretary of Agriculture "to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said products are allowed to be sold in the countries mentioned." * * **)

FOOD PRODUCTS FOR EXPORT.

January 4, 1909.

I, *James Wilson*, Secretary of Agriculture, do hereby certify that the sample of food products furnished by *James Brown*, intended for export from the port of *New*

York, on S. S. *Celtic* to *Constantinople*, Turkey, has been inspected and examined in the Bureau of Chemistry of the U. S. Department of Agriculture with the following results:

1. Description of label and package "*Sunbeam Brand. (C-R).*"
2. Physical appearance of sample: *Clear.*
3. Chemical composition of sample:

| | |
|---------------------------------------------|---------------|
| <i>Specific gravity at 15.5° C.....</i> | <i>0.9223</i> |
| <i>Index of refraction at 15.5° C.....</i> | <i>1.4730</i> |
| <i>Iodin number.....</i> | <i>110.0</i> |
| <i>Cottonseed oil colored with saffron.</i> | |
| <i>Saffron present.</i> | |

(Seal of department.)

(Signed)

James Wilson, Secretary of Agriculture.

IV. CLERICAL WORK.

A. GUARANTY.

1. Authority for Issuing Guaranty.

The part of the law providing for the guaranty is section 9, which reads as follows:

SEC. 9. That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this act.

Regulation 9, intended to provide for the enforcement and administration of the guaranty section of the act, suggesting in subdivisions (b) and (d) several methods by which goods may be guaranteed, is as follows:

(Section 9.)

(a) No dealer in food or drug products will be liable to prosecution if he can establish that the goods were sold under a guaranty by the wholesaler, manufacturer, jobber, dealer, or other party residing in the United States from whom purchased.

(b) A general guaranty may be filed with the Secretary of Agriculture by the manufacturer or dealer and be given a serial number, which number shall appear on each and every package of goods sold under such guaranty with the words "Guaranteed by [insert name of guarantor] under the food and drugs act, June 30, 1906."

(c) The following form of guaranty is suggested:

I (we) the undersigned do hereby guarantee that the articles of foods or drugs manufactured, packed, distributed, or sold by me (us) [specifying the same as fully as possible] are not adulterated or misbranded within the meaning of the food and drugs act, June 30, 1906.

(Signed in ink.)

[Name and place of business of wholesaler, dealer, manufacturer, jobber, or other party.]

(d) If the guaranty be not filed with the Secretary of Agriculture as above, it should identify and be attached to the bill of sale, invoice, bill of lading, or other schedule giving the names and quantities of the articles sold,

2. Purpose of Guaranty.

A study of the law in connection with the regulations makes it apparent that the intention is to provide a means whereby a seller can assume responsibility under the law for the character of the goods manufactured or owned and sold by him after they have passed out of his possession into the hands of the persons who purchased them from him. In effect, the guaranty is an offer on the part of the seller to free his purchasers in reselling his goods from responsibility under the law for possible adulteration or misbranding.

In no case is a guaranty a good defense unless it be from the person who sold the goods to the person offering the guaranty as a defense.

The guaranty must contain the name and address of the guarantor, who must be a resident of the United States, and must be signed by him.

3. Assignment of Serial Number.

To provide a simple means whereby a seller may guarantee his goods, the department volunteers to act as custodian of the guaranty, and in order that the guarantor may convey his intention to guarantee the goods covered by the guaranty filed by him in the department to purchasers of his goods, a serial number is assigned to such agreement, and by placing this number on his goods he fixes his responsibility. Whether he desires to enter into an agreement of this kind with the purchaser of his goods is a matter wholly within his discretion, and he can use the serial number, or not, for this purpose, as he may please. The statement in subdivision (b) of regulation 9, that when a guarantor is assigned a serial number the said number *shall* appear, should not, therefore, be construed as mandatory. The meaning is, that if a seller wishes to make effective the guaranty filed with the department he should place the legend and serial number on his goods. Otherwise, no protection is afforded to his customers in the absence of a special agreement or an alternative as provided in subdivision (d) of regulation 9. The use of the number will save the trouble of individual guaranties with each individual transaction or each individual customer. In other words, the label itself will carry notice that the guarantor holds himself responsible under the law to the persons who purchase goods directly from him, for any adulteration or misbranding.

A serial number assigned to a guaranty can be used on any article covered therein to which the act applies. Products not covered by the guaranty on file at the department can be added thereto by executing another guaranty covering them, to be filed as a supplement to the original instrument. The serial-number guaranty can be printed either directly on the principal label or appear on a supplemental label or paster attached to the goods.

A serial number is not considered to be a property right which can be transferred or pass as a business asset from one person, firm, or company to another person, firm, or company. In other words, a serial number shall be issued but once, and the right to use such number shall not pass from the original holder thereof. Any change in business ownership which results in a new legal status being established for such business, requires, if the new owner does not already have a serial number, that another guaranty shall be filed at the department and a new serial number obtained if it be desired to adopt the serial-number method of guaranty. In cases of this kind guarantors should immediately communicate the facts to the department for appropriate action.

4. Form of Guaranty Blank.

Blank forms for use in preparing guaranties are supplied by the department free of charge on application therefor. This form, bearing on it complete information relative to the manner of signing and other explanatory data, reads as follows:

U. S. DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY,
WASHINGTON, D. C.

GUARANTY UNDER THE FOOD AND DRUGS ACT, JUNE 30, 1906.

(Before completing blank please read information at bottom of sheet.)

....., 191

I (We), the undersigned, do hereby guarantee that all articles of food or drugs which are now or which may hereafter be manufactured, packed, distributed, shipped, or sold by me (us), are not and will not be adulterated nor misbranded, within the meaning of the Food and Drugs Act, June 30, 1906.

(Signed in ink; see note.)

(Business address.)

Sworn to, acknowledged before me, and subscribed in my presence this.....day
of, 191

.....
Notary Public.

My commission expires.....

SERIAL NUMBER GUARANTY.

(a) For information regarding the serial number guaranty, see Rules and Regulations for the Enforcement of the Food and Drugs Act (Circular 21, second revision), regulation 9, and Food Inspection Decisions 40, 62, 70, 72, 83, 96, and 99.

(b) The expression in the guaranty "All articles which are now or which may hereafter be manufactured, packed, distributed, or sold by ——," makes the document general in character as to articles guaranteed, and the serial number assigned can be used to guarantee all foods or drugs subject to the act manufactured, packed, distributed, or sold by the guarantor.

(c) The serial number guaranty should not be used on articles not entitled to bear such a guaranty: For example—

- (1) Those of a character which are not included in the definition of articles within the purview of the act as given in section 6, found on page 17 of Circular 21, second revision.
- (2) Those subject to the meat inspection law, i. e., meat and meat food products of domestic origin or manufacture derived from cattle, swine, sheep, and goats. (Imported meat and meat food products are subject to the food and drugs act, and may be guaranteed by means of a serial number or guaranty.)
- (3) Those used in the arts and for technical purposes.

(d) Only a resident of the United States can make a valid guaranty. (See Food Inspection Decision 62.)

(e) The general guaranty filed with the department must be executed by the person, company, association, or corporation who assumes responsibility for the goods, or by his or its agent thereunto lawfully authorized, and the authority of such agent must plainly be made to appear when the guaranty is offered to be filed.

(f) Full information relative to the signing of the guaranty instrument appears at the bottom of the blank form of guaranty.

(g) The signature should be acknowledged before a notary public or other official authorized to administer an oath. The seal of such official should always be affixed to the document.

(h) Only one serial number is assigned to a guarantor, and the number should not be used by anyone other than such guarantor. It is not considered to be a property right which can be transferred or assigned to anyone else.

METHOD OF SIGNATURE.

1. An individual should sign name in full.

2. The signature of a corporation should be in the following form: (a) The legal corporate title; (b) the autograph signature of an officer of the corporation duly authorized to enter into contracts; (c) the title or designation of his office, for example, "Smith Manufacturing Co., John Smith, president" (or secretary, treasurer, etc., as the case may be). The corporate seal must be affixed, and proper evidence of the authority of an officer or representative who signs the guaranty on the part of the corporation or company must also be furnished.

3. The signature of a firm or partnership should be: (a) Title of firm; (b) autograph signature of one of the firm; (c) statement to the effect that he is a member of the firm, thus, for example, "Doe & Roe, by John Doe, member of the firm."

4. An individual or firm trading under a firm or company name should indicate that fact under the signature affixed to the guaranty, for example, in case of an individual: "John Doe, sole owner, doing business under the name of The Smith Manufacturing Co.;" in case of a firm, "Smith & Brown, by James Brown, member of the firm, doing business under the name of The Smith Manufacturing Co."

5. Notification of Serial Number of Guaranty.

After examination and approval of the guaranty, a serial number is assigned thereto, and the guarantor officially notified by the Secretary of Agriculture of the action.

6. Decisions Bearing on Guaranties.

A supply of blank guaranties should be kept on hand in branch laboratories to be given to applicants.

The several Food Inspection Decisions issued by the department to date relative to the guaranty can be obtained by anyone on application therefor. The decisions are designated by numbers and titles, as follows:

Food Inspection Decision No. 40; Filing Guaranty.

Food Inspection Decision No. 62; Guaranty on Imported Products.

Food Inspection Decision No. 70; Abuse of Guaranty for Advertising Purposes.

Food Inspection Decision No. 72; Use of Guaranties and Serial Numbers Thereof.

Food Inspection Decision No. 83; The Issue of a Guaranty Based Upon a Former Guaranty.

Food Inspection Decision No. 96; Serial Number Guaranty.

Food Inspection Decision No. 99; Change in Form of Guaranty Legend.

B. CORRESPONDENCE.

1. All letters should be answered or acknowledged and filed as soon as practicable. When it is impracticable to answer a letter at once, it should be acknowledged with an approximate statement as to the time when it will be answered.

2. Two or more subjects should not be treated in one communication, but several letters may be included in one envelope.

3. All correspondence to the bureau from branch laboratories and other employees shall be addressed to the chief of the bureau. If the

writer desires to have a letter brought to the attention of some particular individual, he may do so by using the expression in the first line of the letter "refer to," followed by the name or initials of the person to whom it is desired to have it referred.

4. In answering communications from the bureau reference should be made to date and to initials of author.

5. In answering correspondence care should be used to make no statement in any way indorsing any particular book or article of commerce. A reference may be made to a number of books or dealers when such information is specifically requested, but no recommendation of any one book or firm should be given.

6. In every case when inclosures are to be sent out in a letter, the word "Inclosure," with a brief indication of the matter to be sent, should be marked on the lower left-hand corner of the letter. Particular attention should be paid to the return of all papers when requested to do so by the sender thereof.

7. All reports and all letters which concern I. S. or import samples should give in upper left-hand corner the number of the sample.

8. All official letters from Senators or Members of Congress should be sent to the bureau for answer.

9. Signatures on all letters, cards, and other communications to the bureau from the branch laboratories and other employees should be autographic.

10. Requests are frequently made by chiefs of divisions and laboratories for special investigations or collection of particular samples which, for convenience in filing, are assigned memorandum numbers, and the correspondence relating thereto refer to such memorandum by giving, in the upper left-hand corner of the letter, the capital letter M, followed by the serial number assigned that subject. The inspector's answer to such letter should bear the same designation. The requests made in the original communication should be attended to as speedily as practicable, and the inspector should report within two weeks, at least, whether it has been possible to give attention to the matter and the result of his effort. The fact, however, that nothing has been accomplished within that time does not mean that upon his answer to that effect the file is closed. He should continue his endeavor to comply with the original instructions whenever he has an opportunity.

C. TELEGRAMS.

Telegrams should be sent only when the matter to be reported is important and requires immediate attention. Arrangements have been effected with the telegraph office in Washington permitting delivery to the home address of telegrams received after office hours. All telegrams, therefore, for the chief inspector should be addressed in the following manner: "Campbell, Chemistry, Washington, D. C." All other telegrams sent to Washington should be addressed "Wiley, Chemistry, Washington, D. C."

The following address has been agreed upon with the telegraph companies for the various laboratories: "Agriculture Food Laboratory," city, state, etc. Arrangements should be made with all telegraph companies in your city to deliver all messages marked in this manner to your laboratory.

Telegrams addressed to inspectors when at headquarters will not give initials and will be addressed to the laboratory, provided the laboratory is located at such headquarters; for instance, "Jones,

Agriculture Food Laboratory, Boston, Mass." When on an inspection route the initials will be included but no special city address will be given. It is imperative that inspectors make inquiry immediately after arriving at a town at both telegraph and post offices. Similar inquiries should be made before leaving such town and also at regular intervals, provided the stay in the town is of a duration of two days or more. Forwarding addresses should be left with the postmaster and with the telegraph offices. This applies to all employees of the bureau traveling on official business.

The following code has been adopted: OAK is equivalent to "You are," "They are," "He is," or "She is" "hereby instructed to proceed." PINE, "Authorization for your traveling expenses has been requested." HICKORY, "Take analytical notes and any other data which will be of service as a witness." WILLOW, "United States attorney."

These words will be accompanied by the I. S. number of the sample concerning the results of the analysis of which the witness is needed to testify, the place and time of trial of case, etc.

V. ACCOUNTS, SUPPLIES, AND LEAVE.

The fiscal regulations of the Department of Agriculture govern in all transactions and must be carefully observed.

A. ACCOUNTS.

1. General Instructions.

When desiring information in regard to expense accounts, checks, etc., address this bureau, and the matter will be immediately taken up with the appropriate office.

(a) APPOINTMENTS AND THEIR EXPIRATION.

It is not necessary to attach copies of appointments to salary vouchers; this is done in this office.

When a new appointee reports for duty always advise the bureau accordingly. This is necessary in order that such appointee may be entered upon the rolls and salary paid without unnecessary delay.

When a person resigns always have resignation prepared on regular resignation form, initial, and forward same to bureau.

When an employee performs his last day's service under an appointment notify the bureau immediately.

(b) NEW AUTHORIZATIONS.

New authorizations are issued for each fiscal year on or before July 1 of each year. If new authorizations do not cover all items previously authorized and such is required in your work, notice should be given of such fact to this office.

(c) MAKING UP VOUCHERS.

In submitting vouchers for salary and traveling expenses, *care must be taken to observe the regulations on back of vouchers and the fiscal regulations of the department.* Any amount expended in violation of the regulations may be disallowed and deducted from accounts. All purchases and expenditures must be fully and specif-

ically itemized, showing the quantity and unit prices, also the city in which incurred. In addition to the regular itemized statement of samples in reimbursement accounts, it is necessary to give the I. S. number of each sample.

Unofficial samples. When a so-called "unofficial sample" is purchased, do not specify in the account that it is an unofficial sample. The bureau understands such entries, but the auditors do not. When entering such expense, simply itemize same, giving I. S. number when one is assigned.

Official station. In the upper left-hand corner of Form 4, "Reimbursement accounts," enter official station.

Authorization numbers. Enter on Form 4 and Form "A" vouchers, in the space provided for that purpose, the number and dates of letters of authorization, and amendments thereto, under which expenses therein listed were incurred. Letters or amendments dated subsequent to date of purchase should not be entered.

Transportation request numbers. The numbers of the transportation requests used must in every case be entered on the back of the account, in the space provided for that purpose, and the information called for by the form supplied. If no transportation or mileage is used, state that fact in said space.

(d) EXPLANATIONS RELATIVE TO ACCOUNTS.

Any explanations that employees think necessary should be made on loose sheets and submitted with the account; do not make them in the account itself; do not make more than one explanation on one sheet; if there are two or more explanations necessary, write them on separate sheets and sign each sheet.

An observance of these instructions will obviate delays and the necessity of returning the account for correction.

When it is necessary in the discharge of official duties to make stops and incur expenses at points not mentioned in specific written instructions or to visit towns mentioned out of the order named, or in fact to make any variation from written instructions, an explanatory memorandum should be attached to the expense account for the information of the bureau. *Do not rely upon some explanation which may have been made in previous correspondence.* Such memoranda will facilitate the handling of expense accounts and consequently expedite the issuance of check.

(e) MONTHLY ACCOUNTS.

A monthly reimbursement account should in every case include all expenses *incurred from the first to and including the last day* of the month, for which payment has not been made. In the case of travel reimbursement accounts, *all expenses incurred should be entered from breakfast the first to and including lodging the last day* of the month.

(f) DEPOSITIONS, COPIES OF COURT RECORDS, ETC.

Whenever it is desired that copies of depositions or of any entry or record or paper on file in the Federal courts be procured, it will be necessary to apply to this office for same and the necessary action will be taken to secure the desired copies. Be specific as to what is required in each case. This instruction is in accordance with the requirements of this department and decisions of the comptroller.

(g) AFFIDAVITS.

Affidavits relative to samples or accounts, etc., should, whenever practicable, be made before a clerk of a United States court, and no fee paid therefor, they collecting their fees in their regular accounts to the Treasury Department (Par. 856, Rev. Stat., 828, and 12 Comp. Dec., 462, 465). (See also section (d), page 47, for further details.)

(h) PASSING VOUCHERS TO BUREAU FOR PAYMENT.

An accurate and explicit record should be kept of all vouchers passed, and in no case should a second voucher, i. e., a voucher covering the same items covered by a previous voucher, be passed to this office for payment without calling attention to the fact that a similar account was passed, giving the date it was passed.

When a voucher covering requisition purchases is passed without having the requisition attached, a slip should be attached to the voucher stating that the items are covered by requisition No. —.

All vouchers covering expenses incurred under letters of authorization must show in the space provided for the purpose the letter or letters of authorization under which the expenses were incurred. A letter or amendment dated after date of expense can not be applied thereto.

Such precautions are of the utmost importance to prevent duplicate payments, and any accounts forwarded to this office without information requested will have to be returned.

(i) FORWARDING CHECKS.

Checks will be forwarded to the address stated at the head of vouchers, but in case of inspectors, it will be found more satisfactory to merely write names, leaving the address blank, which will be supplied by the chief inspector as soon as check is ready for forwarding. Street address of office should be shown on Form 2 in body of form.

(j) LIABILITY RECORD.

A record of expenses incurred under letters of authorization must be kept; because an account has not been paid does not change the fact that the liability has been incurred. Such a record is necessary in addition to the record of vouchers passed to the bureau for payment.

2. Travel.**(a) TRANSPORTATION REQUESTS AND AUTHORIZATIONS AND AMENDMENTS THERETO.**

Estimate as closely as possible the maximum amount required under authorization in requesting same, whether original authorizations or increase to same. In requesting increases state number of authorization and amendments, amount authorized and total expended under each appropriation. Request only such transportation as it is probable you will use during the fiscal year in which issued.

(b) TRANSPORTATION REQUESTS, DURATION AND RESPONSIBILITY FOR.

Transportation requests expire with June 30 next after issuance, unless stated to the contrary thereon. The requests are charged personally to employee to whom issued; if lost they could be used by anyone who would forge the employee's name. If so used the employee would necessarily be held responsible therefor. Return unused requests to bureau immediately after June 30.

(c) EMERGENCY TRANSPORTATION REQUESTS.

Emergency transportation requests are issued to branch laboratories. These are to be used by employees who are ordered by wire to travel on official business when there is not sufficient time to issue and forward requests from Washington.

When it is possible, secure requests to apply to letter under which you will perform travel. When the emergency request is used, however, insert the letter of authorization number under which used. If you do not know the number at the time, hold the stub which you usually send to this bureau until this information is secured by you, then insert and forward to the bureau.

(d) ALTERATIONS IN TRANSPORTATION REQUESTS.

The Comptroller of the Treasury has decided that the Government can not recognize claims for transportation or accommodation furnished in excess of the accommodations authorized by the original transportation request. Alterations or erasures on a transportation request should only be made by the Chief of the Division of Accounts. Do not make alterations on transportation requests, and in case additional accommodations over and above that authorized by the transportation request are required, it will be necessary for such additional accommodations to be paid for by the members of the Bureau of Chemistry, and reimbursement requested in the regular monthly account. This does not prohibit use of transportation requests for Pullman accommodations.

(e) SECURING PULLMAN ACCOMMODATIONS.

When traveling on official business, and it becomes necessary to secure sleeping-car accommodations, do so direct from the sleeping-car companies, through their agents, by giving a transportation request therefor, instead of giving transportation request to the transportation company for both passenger fare and sleeper. When one man acts as agent for both the Pullman and transportation companies, use a separate transportation request for each ticket. This does not apply when cash is paid for Pullman ticket. Transportation requests should be used for Pullman accommodations whenever practicable. When cash is paid, the account should show the points between which the travel is performed and whether berth or seat is furnished. The account and the transportation request must also show whether upper or lower berth is used.

(f) MILEAGE AND SCRIP.

When mileage or scrip is purchased, a report should be made to the bureau on proper form. A report of mileage used during the month should also be prepared on the proper form which should be attached to expense account; otherwise, the accounts will be re-

turned. The forms plainly indicate the information desired, and inspectors and others should be careful to omit no detail. In this connection, careful attention is invited to paragraph 13 of the fiscal regulations. Forms referred to above furnished upon application.

(g) ATTACHING LETTERS TO EXPENSE ACCOUNTS.

Either the original or a copy of all letters of instructions to perform travel should always be attached to the expense account. Any travel which has been performed without written instructions should be accounted for by a memorandum attached to the account.

It frequently occurs that the travel performed under a single specific travel letter to inspectors and others extends over more than one month. In such instances a copy of the letter should be attached to the expense account for each month in which the travel was performed, except the one to which the original travel letter is attached. If the original letter is forwarded with the first month's account and afterwards request is made to the bureau to attach copies to expense accounts for succeeding months, it will delay the issue of expense check. (Applies to those traveling under specific written instructions; see letter of authorization under which travel is being performed.)

It is not necessary to attach to travel accounts a copy of general letter of authorization.

(h) INITIALS OF RAILROADS.

Initials of railroads over which travel is performed must be entered in the account. If omitted, the account will be returned for such information.

(i) ENTERING ITEMS OF MEALS.

Always use the terms breakfast, dinner, supper, instead of breakfast, lunch, and dinner, when entering such items in reimbursements accounts, in order to avoid confusion in auditing same. Charges for separate meals, i. e., not included in hotel vouchers, should show where same were taken.

(j) ATTENDING COURT AS WITNESSES.

The comptroller has decided that traveling expenses of the employees of this department who attend cases in connection with the enforcement of the Food and Drugs Act will be paid from the appropriations of the Bureau of Chemistry. When a subpoena or other authoritative order from a source other than this office is received, notify this office of that fact, requesting that letter of authorization be drawn to cover the proposed travel, estimating as closely as practicable the amount that will be required for the trip for the usual traveling expenses. When an order is sent from this office, the necessary authorization will be requested by this office, and it will not be necessary for employees in the field to take any action in regard to the matter. When a subpoena or other authoritative order is received from a source other than this office to report in connection with a case approximately one week before the case will be called this bureau should be notified by letter, giving the data requested above. When such order is received by you in less than one week, you are instructed to wire to the bureau the necessary data for securing such a letter of authorization.

Those members of the bureau who have a general letter authorizing travel within and throughout the United States for such purposes, will not apply for letters as above but will incur such expense and enter the same in the usual manner in their regular monthly expense account.

Fees, including traveling expenses, meals and subsistence, etc., to expert witnesses not members of the department called to testify for the Government in cases arising under the Food and Drugs Act are payable by this department and not by the Department of Justice.

(k) FIELD DIARIES.

There has been issued under instructions from the Secretary of Agriculture a field diary. Instructions relative to the use of this diary may be found on the inside of the first cover of the diary. All the employees of this bureau are instructed to pay special attention to this matter and before performing any official travel secure from the property clerk of the bureau a copy of the diary and act in accordance with the instructions contained thereon. Additional supply sent upon application.

3. Collaborating Chemists, State Health and Food Departments.

(Reimbursement for cost of samples and supplies.)

The Bureau of Chemistry has an authorization from the Secretary of Agriculture to reimburse the various State health and food departments or chemists for the chemicals and other laboratory materials actually consumed by collaborating chemists in the work of analyzing samples in connection with the enforcement of the Food and Drugs Act of June 30, 1906 (the Federal law), under the supervision of this bureau, also to reimburse for the actual cost prices of samples (interstate) taken and expenses incident to shipping and packing of samples. (N. B.—Any shipment made to Washington, D. C., the charges on which are to be paid by the Department of Agriculture should be shipped transportation charges "Collect.")

Expenses for registering valuable packages to this office will also be reimbursed as well as expenses for notary fees when necessary in connection with making affidavits relative to analysis of samples, etc.

When the sum total of the above list of items for which payment will be made amounts to \$5 or more for any month, submit accounts for same on vouchers at the end of such month. If account does not amount to as much as \$5, hold same and submit quarterly or once in two months. If there is any expense at all submit it at end of quarter: (July-September; October-December; January-March; April-June.)

If such accounts are not received at the end of each month it will be understood that expenses do not amount to as much as \$5. If such accounts are not submitted at the end of each quarter, it will be understood that no expense has been incurred for items listed.

This is very important and necessary in order that a correct and proper record may be kept of the expenses incurred under the authorization, which is limited in amount.

State officials having per diem appointments from this department should submit Form "A" accounts along with the salary vouchers, in order that they may be audited in conjunction therewith.

Salary vouchers of collaborating chemists of the Bureau of Chemistry and other per diem employees of the bureau to whom it applies.

Forward to this office at the end of each calendar month a salary voucher covering all services performed during such month, from first to and including last day of the month, under appointment as per diem employee of the bureau. This account should be prepared on one of the form 3 vouchers, filling in the spaces as indicated on the face of the voucher, except the appropriation, using the date of the latest appointment or transfer, and under "Remarks" listing the dates on which services were performed, showing whether whole days or fractional parts of days' services were performed, etc.

In addition to the above, submit information on a *separate* sheet of paper, letter-head, or other form desired and convenient, properly signed and attached to the salary account and the Form "A" voucher (if there be an account for supplies, etc.), a statement showing the following: (1) I. S. Nos. assigned to samples analyzed or examined, (2) together with a brief description of label thereon, (3) and the results or conclusions drawn from the examination or analyses, i. e., whether or not the samples were found to comply with the law.

These data will enable the bureau to identify the items covered in the voucher by comparison with reports of results of analyses on the analytical cards which are to be sent to the bureau by the commissioned State officials.

If a voucher is not received within a reasonable time after the expiration of any month (about 10 days) it will be understood that no services have been performed during the month and money will not be reserved therefor.

4. Freight, Express, and Drayage.

(a) MARKING SHIPMENTS.

In making shipments of samples, etc., the packages should always bear in addition to the directions for destination the name of the inspector or laboratory and the point from which the shipment is made. This information will be best placed on the upper left-hand corner of the side of the package containing the address, and is very important. When shipment is prepaid, mark on box in large letters "Express prepaid."

(b) FREIGHT SHIPMENTS.

Regarding shipments by freight, where the charges are payable by the Department of Agriculture, it is necessary to secure Government or departmental bills of lading in each case. Departmental bills of lading can be secured upon application. Freight charges are not allowable in reimbursement accounts.

(c) EXPRESS RECEIPTS.

Express receipts must show the points between which the shipment moved, a brief description of contents, the separate weight of each package composing the shipment, and the amount of charges paid.

(d) DRAYAGE ON SAMPLES TO EXPRESS OFFICES.

When it is necessary to secure the services of a dray, for the purpose of delivering samples to the express office, in cities where free collection is made, it will be necessary to attach a short, concise statement, showing the necessity for such expense. This also applies when a dray is employed to transfer samples to be shipped to Washington,

D. C., as in such cases there is no evidence in the accounts of such express shipments. The bureau, of course, understands that the inspector must necessarily deliver the shipment of samples to the express company in person; however, it is necessary for the information of auditors of this department, and of the Treasury Department, to attach the statement above mentioned. This will avoid the necessity of suspending these items for explanation.

B. SUPPLIES.

[Regulations for the purchase of supplies at branch food and drug inspection laboratories and other laboratories situated outside of the District of Columbia.]

The following paragraphs in the fiscal regulations relate to supplies: Nos. 22 to 30. Also, regulations on back of voucher Form "A" and voucher No. 4 should be followed.

1. Quarterly Requisitions.

As far as practicable chemical apparatus, chemicals, and office supplies should be ordered quarterly from Washington, D. C., on the requisition form provided for that purpose. Be specific as to what is required, showing sizes, catalogue number or complete description, and specifications. The only exception to this is when immediate delivery is necessary so that the work should be seriously delayed or handicapped by the time necessary to secure the articles from Washington. (Except in cases of special urgency all stationery, office supplies, blank books, etc., must be ordered from Washington.)

In preparing quarterly requisitions, divide the requirements into four classes—apparatus, chemicals, office and stationery supplies, and books. Books should in every case be entered on a separate sheet.

As far as practicable select apparatus and chemicals listed in bureau stock list, as such are carried in stock and can be furnished more economically and quicker than other items of like nature.

When it becomes necessary to obtain supplies which were not included on regular quarterly requisition, submit supplemental requisitions when it is practicable to await the arrival of such items.

2. Purchases on Letter of Authorization.

(a) WHEN TO BE MADE.

A letter of authorization is provided for purchases when immediate delivery is required, but no purchase should be made on such letter of authorization when the amount involved is more than \$20, except in cases of *extreme necessity* in which the public interests might be liable to suffer serious injury from the time necessary to obtain an article from Washington.

When items are not included on regular quarterly requisition, or in case they were included on regular requisition and it is impracticable to await their arrival, or in case you can not await the arrival from here of a supplemental requisition, you will then resort to purchases on letter of authorization, but it is desired that purchases on the letter be made only when it is impracticable to obtain supplies on the regular requisition or the supplemental requisition. The reason for urging this action is because of the increased cost of pur-

chases made in securing small lots of supplies (chemicals and chemical apparatus specially), owing in most instances to failure to secure competition, and to the fact that dealers charge a higher rate for small lots than for large lots. This also applies to stationery and other miscellaneous supplies.

Items of hardware, photo supplies, paste, plumbing and electric supplies, lumber, job work, and items *other than regular laboratory apparatus, chemicals, and office supplies*, may also be purchased direct from local dealers on letters of authorization, the amount never to exceed \$20, as these items can not be shipped from Washington to advantage. No item of chemical apparatus, chemicals, or office supplies, however, should be so purchased, except as stated above when immediate delivery is required, and when quantity is small as covered by following paragraph.

Whenever it is necessary to obtain a small quantity of laboratory apparatus or chemicals, of small value, in cases where express charges for shipping would be as much or nearly as much as the cost of the articles, such items should be purchased direct from local dealers. *This does not apply to stationery and items that can be sent by mail.* The chief of the laboratory should use his discretion in such small purchases.

(b) MANNER OF MAKING SUCH PURCHASES.

Whenever possible quotations should be obtained from three or more dealers and the purchase made at the lowest price obtainable. If the amount involved is less than \$3, cash should be paid and a receipt obtained on subvoucher 4a; if more than \$3 the dealer should invoice his account on Form "A" and sign receipt on same. The chief or the acting chief of the laboratory or inspector should insert in proper space authorization number or numbers, certify to the account on the voucher, and forward same to Washington. A check will then be sent direct to dealer. A regular dealer should be requested to present account only once a month.

Formal authorization will be sent from Washington upon request for repairs to ovens, plumbing, job work, or items that can best be supplied by local dealers, when the amount involved is more than \$20. If the amount is less than \$50 the chief of the laboratory should obtain written quotations from three or more dealers and forward quotations to this office. If for any reason the lowest quotation should not be accepted a recommendation to that effect should be made by the chief of the laboratory. If the order will probably amount to \$50 or more, regular bids must be sent out from Washington and awarded by the board of award. In this case the chief of the laboratory should send to this office complete specifications of the work to be done or supplies to be furnished, together with the name and addresses of three or more dealers who can bid to advantage.

Great care should be used to incur no expense unless it is specifically authorized, by a numbered letter of authorization signed by the secretary, or numbered formal letter signed by the Chief or Acting Chief of the Division of Accounts, except as stated above, in case of extreme necessity. (See paragraphs 17, 18, 19, 22, Fiscal Regulations). Otherwise the Treasury Department may refuse to allow the account.

3. Property Responsibility.

Supplies of a permanent character are charged to the laboratory or inspector to which shipped, and the inspector or employee in charge of a laboratory whether in or out of Washington, D. C. is held responsible for the article and the care thereof, and must be able to account for all such property upon request. Inventories are required at intervals.

4. Employment of Temporary Assistants.

Circular letter dated March 10, 1908, from the Secretary of Agriculture, requires that before temporary assistants, stenographers, clerks, laborers, cooks, etc., are employed on letters of authorization, permission for such employment be granted by the United States Civil Service Commission.

Whenever an employee of this bureau finds it necessary to employ temporary assistants at any time, he is required to submit to the office of the Chief of the Bureau of Chemistry the names, legal residence, rate of salary, estimated length of service required, and all other necessary information regarding the desired permission. Attention is specially called to the fact that no temporary assistants will be employed by the hour, day, week, month, or year until the necessary authorization described has been secured. In cases of emergency this information can be forwarded to the bureau by wire.

When it is necessary to have job work done and it is practicable to do so, draw up complete specifications of the work desired, stating on the specifications who is to furnish materials. It is preferable that the materials be furnished by the bidder unless they are already in the hands of the representative of the bureau. (See page 108, "(b) Manner of making such purchases.") When it is necessary and preferable, however, to employ laborers by the day, and the work will require 10 days or more, then forward the necessary information as set forth above to this office.

No appointment can exceed 30 days unless the applicant has been certified regularly by the Civil Service Commission.

In drawing up specifications for job work it is well to begin as follows: "Furnish necessary labor and material and perform the necessary work described as follows." At the end of the specification put in parentheses, "For the job, \$——."

Owing to the fact that it is necessary to secure the approval of the United States Civil Service Commission before we can employ temporary laborers it is deemed more advisable to have the work done by the job than to appoint temporary laborers by the day.

Circular of March 10, 1908.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
WASHINGTON, D. C.

To whom it may concern:

The attention of every person to whom authority is granted by the Secretary of Agriculture, or by the Acting Secretary of Agriculture, to employ temporarily assistants, stenographers, clerks, laborers, cooks, etc., subject to the rules of the Civil Service Commission, is particularly drawn to Rule VIII of the said rules, as amended by the President on January 27, 1908. Said rule provides, among other things, that temporary appointment shall not be made to a competitive position in the classified service except upon the prior authorization of the Civil Service Commission.

EXCEPTIONS FROM THE RULE are stated in paragraphs 6, 9, 12, and 13, section 1, Schedule A, of Classified Positions Excepted from Examination, appended to the Civil Service Rules, which are as follows:

PARAGRAPH 6.—“Any person receiving not more than \$300 per annum compensation for his personal salary, who may lawfully perform his official duties in connection with his private business, such duties requiring only a portion of his time.” The rate being \$25 per month.

PARAGRAPH 9.—“All positions in Alaska which can not be filled from appropriate existing registers, except those in the Customs Service.”

PARAGRAPH 12.—“Mechanics and skilled tradesmen or laborers, employed upon construction or repair work in the field services, under such restrictive conditions that, in the opinion of the commission, they can not, as a class, be appointed from registers of eligibles.”

PARAGRAPH 13.—“Cooks, when in the opinion of the commission it is not expedient to make appointment upon competitive examination.”

NOTE.—The favorable opinion and authorization of the commission to employ persons in the positions described in paragraphs 9, 12, and 13 must be obtained before such persons can be excepted from examination and employed in the service of the Department of Agriculture, and the “restrictive conditions” which show that “they can not, as a class, be appointed from registers of eligibles,” must be stated in a communication addressed to the appointment clerk of the Department of Agriculture, Washington, D. C., to be used in each case as a basis for action by the Secretary of Agriculture in an effort to obtain the necessary authorization from the United States Civil Service Commission if it shall be deemed advisable to do so.

Very respectfully,

JAMES WILSON,
Secretary of Agriculture.

MARCH 10, 1908.

5. Sales of unused samples. (See also p. 40.)

It is customary for the collector of customs at the various ports in the United States to deposit the public funds received on account of the sale of unused food and drug samples with the proper Government depositary, to the credit of the Treasurer of the United States, for credit to the appropriation “Miscellaneous receipts, sale of condemned Government property,” etc., and the collector of customs in turn renders *an abstract of sales and account current* with the necessary subvouchers for expenses incurred, to the laboratory, there to be checked up, and if found correct, O. K.’d by the chief of the laboratory, and forwarded to the Bureau of Chemistry, Washington, D. C., for attention.

Make an arrangement with the collector of customs at the port in which the laboratory is situated, to turn over to the laboratory the papers indicated above.

Sales of other public property.—(For instructions see par. 50, Fiscal Regulations, p. 28.)

6. Platinum ware.

Attention is called to the report of the committee on platinum ware, dated April 11, 1908. Each chief of the division and laboratory will see to it that the recommendations of the committee are carried into effect. The person designated to look after the platinum ware should every day after the close of business see that the platinum ware not in use is under lock and key. Platinum ware in use over night will be held at the risk of the person using it, and should it be stolen or disappear during the night will be charged

to the person using it. All platinum ware in use not designated with the name or initials of the user shall be taken by the person in charge of platinum and placed under lock and key each night.

REPORT OF COMMITTEE ON PLATINUM WARE.

First. An inventory of all the platinum ware in the bureau shall be taken every two months by property clerk.

Second. Each man in charge of a laboratory or division will be held responsible for all platinum ware issued to his laboratory or division, and shall make such regulations and take such precautions as are necessary to protect it.

The committee makes the following suggestions:

(a) Platinum ware when not in use should always be kept under lock and key.

(b) One person should be designated in each laboratory to keep the platinum ware and check it up at frequent intervals.

7. Ordering and Maintaining a Supply of Alcohol.

Each laboratory is provided with a shipping drum for alcohol and a storage tank, each holding approximately 30 gallons. Both are the property of the laboratory. As it requires from one to three months to secure a delivery of alcohol, a new supply should be ordered from the bureau when the shipping drum is emptied into the storage tank. Hold the shipping drum until instructions from Washington are received as to where it should be sent. Specifications are given on the requisitions; do not accept alcohol not complying with the same, but notify the bureau, and the shipment will be rejected and returned.

C. LEAVE.

General Order No. 144, regulations governing leaves of absence in the Department of Agriculture, issued January 1, 1911, reads as follows:

1. General.

1. *Authority to grant leaves.*—The head of each bureau is authorized to grant annual leave with pay not exceeding thirty (30) days in each calendar year, and extension of leave on account of sickness not exceeding fifteen (15) days; sick leave in excess of such fifteen (15) days to be granted in meritorious cases only, by the Secretary, on recommendation of the chief of bureau.

2. *Records to be kept in bureaus; time clerks.*—Uniform records of leaves of absence shall be kept in the chief clerk's office of each bureau of the department; and a time clerk shall be designated to keep such records in each bureau. Leave shall be granted to employees of the office of the Secretary upon approval of the chief clerk of the department, who shall keep in his office records of all such leave. (See paragraph 8.)

3. *Inspection of records by chief clerk of department.*—All records of leaves of absence shall be kept up to date and shall be accessible at all times for inspection by the chief clerk of the department; there may also be required periodical reports to the chief clerk of the department.

4. *Interpretation of regulations.*—Questions of interpretation of regulations governing leaves of absence, and questions not covered by these regulations, except questions of law, shall be submitted to the chief clerk of the department for decision.

5. *Applications for leave.*—Applications for leave of absence shall be made upon printed forms applicable to all bureaus of the department. A supply of these forms will be furnished by the chief clerk of the department, and are intended for use in making applications for leaves of absence.

6. *Form of application.*—The form of application for leave of absence shall specify the beginning and ending (both dates inclusive) of the period for which such leave is desired. It must contain memoranda of all previous absences of the applicant during the calendar year then current, which memoranda shall be prepared and signed or initialed by the time clerk of the bureau. The application must bear the signature of the applicant, the recommendation of the chief of division or office in which the applicant is serving, and the approval of the chief of bureau.

When the application for leave is on account of sickness for a period of two (2) days or less, and is not accompanied by a certificate of attending physician, the certificate on the back of the form must be made by applicant, and sworn to before a notary public; if the application for leave is on account of sickness for a period exceeding two (2) days, the certificate of the attending physician on the back of the form must be secured and certificate of notary is not required.

The form shall provide for approval by the chief clerk of the department for sick leave exceeding fifteen (15) days, previously granted, or leave without pay.

7. *Form of application for annual leave for less than a day.*—Absence for a period less than a day may be granted upon an application form bearing the signature of the applicant, recommendation of the official in charge, and the approval of the chief or chief clerk of the bureau. A supply of these forms will be furnished by the chief clerk of the department.

8. *Record of absence.*—A record of leaves of absence, for each employee, shall be kept by the time clerks of the bureaus, and such record shall be in the form of printed cards showing the name of the employee, the bureau in which he serves, and the date of reporting for duty. They are designed to show at a glance the total amount of leaves of absence granted, by days, months, and totals. A supply of these forms will be furnished by the chief clerk of the department, and shall be used uniformly by all bureaus.

All applications for leave when granted shall be entered by the time clerk of each bureau on the card records of absence, and the leave slips when completed, showing return to duty, shall be placed therewith; and all such records shall be carefully preserved for a period of three (3) years.

All other systems of time records in use in the department shall be discontinued.

9. *New employees.*—Regular employees who have been in the service of the department for less than a year and served a probationary period of six (6) months, including those reinstated, may be granted annual and sick leave of absence at the rate of two and one-half ($2\frac{1}{2}$) days per month of service: *Provided, however,* That persons transferred from other departments, or from one bureau or office to another within this department, may be allowed transfer of accrued leave upon statement received from the department or bureau from which the transfer is made showing the amount of leave due at the time of transfer.

10. *Probationary employees.*—Probationary employees in Washington, after service of two (2) months, may be granted leaves of absence at the rate of two and one-half ($2\frac{1}{2}$) days a month, and probationary employees outside of Washington at the rate of one and one-fourth ($1\frac{1}{4}$) days a month, computed from the date of beginning of appointment.

11. *Temporary employees.*—Temporary employees, after service of two (2) months, may be granted leave of absence at the rate of two and one-half ($2\frac{1}{2}$) days a month, computed from the beginning of the third month.

12. *Per diem employees.*—Per diem employees shall not be granted leave with pay if their appointments state salary "for days actually employed," or if their employment is temporary. If per diem rate is simply a measure of salary and they are regularly and continuously employed without limitation, they are entitled to leave the same as those with annual or monthly rates of salary.

13. *Allowance of leave confined to current year.*—Leaves of absence are not cumulative; employees who are unable to avail themselves of leave within the calendar year will not be entitled to it, or any portion thereof, in a subsequent year; nor will leave be granted to be used in one year and charged to a subsequent year.

14. *Only accrued leave allowed on resignation, etc.*—On separation from the department by resignation, dismissal, or transfer, employees may be allowed only accrued leave at the rate of two and one-half ($2\frac{1}{2}$) days for each month of service since the first of the calendar year.

15. *Sundays and legal holidays.*—Sundays and legal holidays and holdiays by executive order, whether for the whole or part of a day, at the beginning or end of any kind of leave, or within a period of annual leave, will not be counted as leave; but those which occur within a period of sick leave or leave without pay will be counted. (See paragraph 47.)

16. *Saturday afternoons in summer.*—Saturdays in July, August, and September will be charged as four (4) hours in annual leave, and as a whole day in sick and without-pay leave.

17. *Office hours.*—The hours of labor, unless otherwise specifically ordered, shall begin at 9 o'clock a. m. and close at 4.30 p. m., with one-half hour between 12 m. and 1 p. m. for luncheon, the particular half hour within the period in the different bureaus to be designated by the chiefs of the respective bureaus. All employees shall be required to strictly observe the office hours.

In the interest of the service, so that all the employees in important offices shall not be absent at the same time, chief clerks may vary the time for luncheon of certain employees.

2. Annual Leave.

18. *Distribution of leave.*—In no case shall administrative officers recommend or approve the granting of leave when to allow it will cause embarrassment to the service; and leave should be distributed or allotted to employees, if necessary, in the months when the work of the office will be least affected.

19. *Leave revocable.*—Leave of absence may be revoked at any time and the employee ordered to return to duty before its expiration, should the exigencies of the service require it.

20. *Application in advance.*—Application must be made in advance of the date of the beginning of the leave on the blank form provided therefor by the department, and no applicant for annual leave will be permitted to be absent from duty until notification has been received of the granting of the same.

21. *Consecutive days only.*—Application should be made for only the number of consecutive days desired.

22. *Luncheon half hour deducted in fractional absence.*—The luncheon half hour is deducted from annual leave for part of a day when it occurs during the absence, as from 11 a. m. to 3 p. m., which should be charged as three and one-half ($3\frac{1}{2}$) hours and not as four (4) hours.

23. *Deduction from annual leave for absence without pay.*—Proportionate deduction from annual leave shall be made at the rate of one (1) day for each twelve (12) days, and multiples thereof, of furlough or leave without pay. (See also paragraphs 44, 45, and 46.)

24. *No leave granted for less than fifteen minutes.*—Absence less than fifteen (15) minutes will be charged as fifteen (15) minutes; and absence in excess of fifteen (15) minutes will be charged in multiples of fifteen (15) minutes.

25. *Time of departure and return of employee to be noted.*—Any administrative officer who shall receive notification from the chief clerk of bureau that leave of absence has been granted to any employee under his supervision will note the exact time of the departure of such person and the exact time of his return to duty, and return application blank promptly to the chief clerk or time clerk of the bureau.

3. Sick Leave.

26. *Conditions governing granting of sick leave.*—An extension of leave on account of sickness, not exceeding fifteen (15) days in the calendar year, may be granted by the chief of each bureau; sick leave in excess of such fifteen (15) days previously granted may be allowed in particularly meritorious cases only, by the Secretary, on recommendation of the chief of bureau.

Sick leave may be granted upon any one of the following conditions:

(a) Where some member of the immediate family of a clerk or employee is afflicted with a contagious disease and requires the care and attendance of such employee.

(b) Where through exposure to contagious disease, whether in his own family or not, the employee's presence in the department would jeopardize the health of fellow clerks.

(c) In exceptional and meritorious cases, where a clerk or employee is personally ill, and where to limit the annual leave to thirty (30) days in any one year would work peculiar hardship.

Condition (c) is made up of a group of facts or circumstances which must combine to authorize the granting of leave on account of personal illness. The case must be (1) exceptional, (2) meritorious, and (3) such that a denial of the leave would work not ordinary but peculiar hardship. What will in this connection constitute an "exceptional" case, a "meritorious" case, and "peculiar hardship" can not be defined in any general rule, but must depend upon the exercise of a reasonable discretion in the consideration of the circumstances.

27. *Leave may be granted before annual leave.*—Extension of annual leave on account of sickness may be granted at any time during the year, even though no annual leave shall have been granted at the time of such extension.

28. *Applications for leave; physician's certificate.*—Applications for sick leave must be filed on the form prescribed by the department and be accompanied by a certificate, therein provided for, of the attending physician where one was employed, and in all cases where no physician was employed the specific reasons for not employing one must be stated.

29. *Only regularly practicing licensed physicians.*—Certificates of sickness will be accepted from none but regularly practicing physicians, licensed according to law.

30. *Without physician's certificate.*—Sick leave will not be allowed without a physician's certificate unless application is accompanied by a sworn statement that the absence was due to illness, that the employee was unable to perform official duties, and that no physician was employed. (See paragraph 31.)

31. *Limitation of leave based on affidavit.*—Periods not exceeding two (2) days may be granted on affidavit, and the aggregate of affidavit sick leave shall not exceed twelve (12) days in one year.

32. *Not less than one day granted.*—Sick leave will not be granted for less than one (1) day; absence for less than one (1) day shall be charged against annual leave.

33. *Slight ailments.*—Slight ailments or indisposition will not be accepted as sufficient cause for allowing sick leave; such absences should be charged to annual leave.

34. *Absentees must report fact within twenty-four hours.*—An employee absent on account of personal illness must report the fact to the chief clerk of the bureau in which employed immediately; if such report is not made within twenty-four (24) hours, the time lost may be charged to annual leave or leave without pay.

35. *Application must be made within three days.*—Application for sick leave must be made within three (3) days after the return of the employee to duty.

36. *Quarantine.*—When an employee has been exposed to a contagious disease against which the medical authorities quarantine the patient, he should immediately file with the chief clerk of the bureau in which employed a certificate from the attending physician, where such be the case, stating that in his judgment the presence of the employee in the office would jeopardize the health of fellow clerks. Application for leave with pay for the time lost must be accompanied by a certificate of the attending physician certifying that all danger from contagion has passed.

37. *Modifying annual leave to sick leave.*—No modification of annual to sick leave will be made unless sickness begins on or before the first day of the period granted as annual leave, when the latter may be surrendered and sick leave granted instead under the usual limitations. The circumstances and surroundings of an employee on vacation are usually so different from when on official duty that it seems beyond the intent of the law and regulations to grant sick leave during a period of annual leave.

38. *Deduction from allowance because of leave without pay.*—Proportionate deduction from sick leave shall be made at the rate of one (1) day for each twelve (12) days, and multiples thereof, of furlough or leave without pay. This applies also to reinstated employees in regard to the period of their separation from the department in the current year. (See paragraphs 44, 45, and 46.)

39. *Investigation.*—The chief of bureau shall carefully consider the merits of every application for an extension of leave with pay beyond thirty (30) days which shall be presented by his employees, in so far as the actual sickness or exposure to contagion is concerned; and shall cause to be investigated those employees who habitually apply for excessive sick leave, and if abuse of the privilege be found, report the same to the office of the Secretary.

40. *Penalties for deception.*—All employees will be held to a strict accountability for statements made by them of inability to perform duty. When sick leave has been granted and subsequent developments prove that it was obtained by misrepresentation, it will be charged to leave without pay, even if the offender has annual leave still due. A second attempt to mislead or deceive official superiors, directly or indirectly, in regard to absence on account of alleged sickness, will be deemed sufficient cause for dismissal.

4. Leave Without Pay.

41. *Appointment terminated "without prejudice;" reinstatement.*—When an employee has been absent for more than sixty (60) days, and there is no probability of his immediate return to duty, his appointment may be terminated "without prejudice." Such employee, however, will be eligible for reinstatement at any time within one year from the date of separation from the service.

42. *Not a right, but a favor.*—Leave without pay is not to be considered as a right. It may be allowed on account of sickness when the regular leave has been exhausted, but otherwise it will be granted only when, in the opinion of the chief of the bureau, the public business will not suffer by the absence and when reasonable cause is shown, such as important business or emergencies of a serious nature.

43. *Applications.*—Applications for leave without pay must be filed on the form prescribed by the department and shall be forwarded, with recommendation of the chief of the bureau, to the chief clerk of the department for approval.

44. *Deduction of pay for absence in excess of legal limit.*—Absence of employees in excess of the legal allowance with pay must be covered by an application for leave of absence without pay for one (1) day or more, as no excess can be permitted without a deduction therefor. In the case of a deduction of a day's pay where the employee has not been absent an entire day he may take the balance of the day's time without further deduction, subject to approval by the chief clerk, provided the time is taken in the same year. (See paragraph 38.)

45. *Basis for deduction from annual and sick allowance.*—A proportionate deduction from allowance of both annual and sick leave shall be made at the rate of one (1) day for each twelve (12) days, and multiples thereof, of furlough or leave without pay in the current year; and in the case of employees outside of Washington, at the rate of one (1) day for each twenty-four (24) days and multiples thereof.

46. *Retroactive deduction from leave.*—If absence without pay for twelve (12) days and multiples thereof should occur after leave is exhausted, application for leave without pay to modify the excess of leave already taken will be required.

47. *Sunday between sick leave and leave without pay counted.*—When sick leave expires on (including) Saturday and the employee continues absent, beginning Monday following on leave without pay, the intervening Sunday is charged without pay.

48. *Absence without leave.*—Immediate notification must be given to chief clerks of bureaus of all absence from duty for any cause, without leave having been previously asked for and granted. Any employee who is absent without leave for any cause may also be required to explain to his immediate superior, in writing, at the earliest practicable moment, the cause of his absence and of his failure to ask for permission to be

absent. If it is found that he was absent upon insufficient cause, or if his failure to obtain permission to be absent is not satisfactorily accounted for, the time lost will be charged to leave without pay, and such further action as may be deemed necessary will be taken. Avoidable or willful absence without leave is an offense against office discipline.

5. Employees Outside of Washington, D. C.

49. *Regulations applicable to field service.*—The foregoing regulations are applicable, within legal limits and as far as practicable, to the field and station services connected with this department outside of Washington, D. C.

50. *Leave of absence of employees.*—The act making appropriations for the Department of Agriculture, approved May 23, 1908, provides that "The employees of the Department of Agriculture outside of the city of Washington may hereafter, in the discretion of the Secretary of Agriculture, be granted leave of absence not to exceed fifteen days in any one year, which leave may in exceptional and meritorious cases, where such an employee is ill, be extended in the discretion of the Secretary of Agriculture, not to exceed fifteen days additional in any one year."

51. *Applications.*—An employee whose official station is other than Washington, D. C., who may wish to absent himself from duty for more than five (5) days will be required to file with his immediate superior an application on form provided by the department stating the period for which leave of absence is desired. Any superintendent, observer, inspector, chief of a field party, or other supervisory official receiving such an application will promptly forward the same, with his recommendation, to the chief of his bureau at Washington, who will at once approve or disapprove the application. Persons not assigned to any station or party will address their applications directly to the chief of their respective bureaus.

52. *Leave for five days or less.*—Observers, inspectors, superintendents in charge of stations, chiefs of field parties, or other supervising officials may grant to employees of their respective offices or forces permission to be absent for periods not exceeding five (5) days, but in every such case the absence must be promptly reported to the chief of the bureau at Washington, who will cause the same to be entered upon and filed with the employee's record.

53. *Field employees serving part of time in Washington.*—Regular employees of the department outside of Washington, who are transferred to the service in Washington, may be granted leaves of absence at the rate of one and one-fourth ($1\frac{1}{4}$) days per month until date of transfer, and two and one-half ($2\frac{1}{2}$) days per month in Washington. Field employees serving temporarily in Washington will not be granted leave in excess of fifteen (15) days annual and fifteen (15) days sick in any one year.

54. *Enforcement of regulations.*—Chiefs of bureaus and all supervisory officials will be held strictly responsible and accountable for the enforcement of these regulations.

JAMES WILSON, *Secretary.*

APPENDIX.

ORGANIZATION OF BUREAU OF CHEMISTRY.

- H. W. WILEY, *Chemist and Chief of Bureau.*
F. L. DUNLAP, *Associate Chemist; Acting Chief in absence of Chief.*
W. D. BIGELOW, *Assistant Chief of Bureau.*
F. B. LINTON, *Chief Clerk.*
A. L. PIERCE, *Editor.*
A. E. DRAPER, *Librarian.*
Division of Foods, W. D. BIGELOW, *Chief.*
 Food Inspection Laboratory, L. M. TOLMAN, *Chief.*
 Food Technology Laboratory, E. M. CHACE, *Chief and Assistant Chief of Division.*
 Oil, Fat, and Wax Laboratory, H. S. BAILEY, *Chief.*
Division of Drugs, L. F. KEBLER, *Chief.*
 Drug Inspection Laboratory, G. W. HOOVER, *Chief.*
 Synthetic Products Laboratory, W. O. EMERY, *Chief.*
 Essential Oils Laboratory, *under Chief of Division.*
 Pharmacological Laboratory, WM. SALANT, *Chief.*
Chief Food and Drug Inspector, W. G. CAMPBELL.
Miscellaneous Division, J. K. HAYWOOD, *Chief.*
 Water Laboratory, W. W. SKINNER, *Chief.*
 Cattle-Food and Grain Laboratory, G. L. BIDWELL, *Acting.*
 Insecticide and Fungicide Laboratory, C. C. McDONNELL, *Chief.*
 Trade Wastes Laboratory, *under Chief of Division.*
Contracts Laboratory, P. H. WALKER, *Chief.*
Dairy Laboratory, G. E. PATRICK, *Chief.*
Food Research Laboratory, M. E. PENNINGTON, *Chief*, 1833 Chestnut Street, Philadelphia, Pa.
Leather and Paper Laboratory, F. P. VEITCH, *Chief.*
Microchemical Laboratory, B. J. HOWARD, *Chief.*
Physical-Chemistry Laboratory, C. S. HUDSON, *chief.*
Sugar Laboratory, A. H. BRYAN, *Chief.*
Sections:
 Animal Physiological Chemistry, F. C. WEBER, *in Charge.*
 Bacteriological Chemistry, G. W. STILES, *in Charge.*
 Enological Chemistry. W. B. ALWOOD, *in Charge*, Charlottesville, Va.
 Nitrogen, T. C. TRESCOT, *in Charge.*
 Plant Physiological Chemistry, J. A. LE CLERC, *Chief.*
Branch laboratories:
 Chief of Boston laboratory, B. H. SMITH, Appraiser's Stores, Boston, Mass.
 Chief of Buffalo laboratory, W. L. DUBOIS, Federal Building, Buffalo, N. Y.
 Chief of Chicago laboratory, A. L. WINTON, Manhattan Building, Chicago, Ill.
 Chief of Cincinnati laboratory, B. R. HART, First National Bank Building, Cincinnati, Ohio.
 Chief of Denver laboratory, R. S. HILTNER, Tabor Opera House Building, Denver, Colo.

Branch laboratories—Continued.

- Chief of Detroit laboratory, H. L. SCHULZ, Telegraph Building, Detroit, Mich.
- Chief of Galveston laboratory, T. F. PAPPE, Old Customhouse, Galveston, Tex.
- Acting Chief of Honolulu laboratory, E. B. BLANCHARD, Territorial Board of Health, Honolulu, Hawaii.
- Acting Chief of Kansas City laboratory, F. W. LIEPSNER, Government Building, Kansas City, Mo.
- Chief of Nashville laboratory, R. W. BALCOM, Customhouse, Nashville, Tenn.
- Chief of New Orleans laboratory, C. W. HARRISON, Customhouse, New Orleans, La.
- Chief of New York laboratory, R. E. DOOLITTLE, Appraiser's Stores, New York, N. Y.
- Chief of Omaha laboratory, S. H. ROSS, Post Office Building, Omaha, Nebr.
- Chief of Philadelphia laboratory, C. S. BRINTON, Appraiser's Stores, Philadelphia, Pa.
- Chief of Pittsburg laboratory, M. C. ALBRECH, Park Building, Pittsburg, Pa.
- Chief of Portland laboratory, A. L. KNISELY, Worcester Building, Portland, Oreg.
- Chief of St. Louis laboratory, D. B. BISBEE, Wright Building, St. Louis, Mo.
- Chief of St. Paul laboratory, A. S. MITCHELL, Old Capitol Building, St. Paul, Minn.
- Chief of San Francisco laboratory, R. A. GOULD, Appraiser's, Stores, San Francisco, Cal.
- Chief of Savannah laboratory, W. C. BURNET, Customhouse, Savannah, Ga.
- Chief of Seattle laboratory, H. M. LOOMIS, Arcade Annex Building, Seattle, Wash.

NAMES AND ADDRESSES OF INSPECTORS.

[Inspectors should promptly advise the Bureau of any change in their official or home address.]

| Inspector. | Official address. | Residence. |
|-------------------------------------|--------------------------------------------------------|-------------------------------------------|
| Washington, D. C.: | | |
| W. G. Campbell, chief inspector. | Bureau of Chemistry..... | 1415 Chapin St. |
| Arthur Stengel..... | Bureau of Chemistry..... | 1415 Chapin St. |
| Atlanta, Ga.: | | |
| C. T. Smith..... | 303 Post-office building..... | 61-A West Baker St. |
| Baltimore, Md.: | | |
| J. F. Earnshaw..... | 427 Customhouse..... | 162 Maple View Place, Anacostia, D. C. |
| Boston, Mass.: | | |
| G. H. Adams..... | Food and drug laboratory, U. S. appraiser's stores. | 22 Summer St., Waltham, Mass. |
| Frank B. Raynor... | Food and drug laboratory, U. S. appraiser's stores. | 15 Irving St., West Med- ford, Mass. |
| Buffalo, N. Y.: | | |
| Walter C. Miller.... | Food and drug laboratory, Federal building. | W. Church St., Eden, N. Y. |
| Chicago, Ill.: | | |
| Robert Young..... | Food and drug laboratory, 1603 Manhattan Building. | 7247 Rhodes Ave. |
| James R. Garner... | Food and drug laboratory, 1603 Manhattan Building. | 4001 Warwick Ave., Irving Park. |

Names and addresses of inspectors—Continued.

| Inspector. | Official address. | Residence. |
|------------------------------------------------------|------------------------------------------------------------|------------------------------------------------|
| Cincinnati, Ohio.: William T. Ford... | Food and drug laboratory, First National Bank Building. | 3432 Monteith Ave., Hyde Park. |
| Cleveland, Ohio.: Stuart A. Postle.... | 209 New customhouse..... | 1389 West Sixty-fourth St. |
| Des Moines, Iowa.: Artemas Brown.... | Post-office building..... | 1820 8th St. |
| Denver, Colo.: A. S. Daggett..... | Tabor Opera House Building.. | 3545 Quitman St. |
| Detroit, Mich.: Oden, R. Sudler.... | Food and drug laboratory, Telegraph Building. | 142 St. John's Ave., High- land Park, Mich. |
| Houston, Tex.: Rodney A. Griffin.. | Room 1, Cotton Exchange building. | ..... |
| Indianapolis, Ind.: Harry C. Kitchen... | 416 Federal building..... | 2446 North Alabama St. |
| Kansas City, Mo.: B. C. Winslow..... | Food and drug laboratory, Government building. | 3120 Charlotte St. |
| Louisville, Ky.: Jackson E. Earn- shaw. | 516 Post-office building..... | 1416 S. First St. |

Names and addresses of inspectors—Continued.

| Inspector. | Official address. | Residence. |
|----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| Milwaukee, Wis.: John L. Lynch..... | 401 Federal building..... | College Hotel, 614 Milwaukee St. |
| Nashville, Tenn.: Louis Marks..... | Food and drug laboratory, customhouse. | 1800 Acklen Ave. |
| New Orleans, La.: Frank L. Wollard.. | Food and drug laboratory, customhouse. | 1613 Carondelet St. |
| New York, N. Y.: Harvey H. Wagner. Herman Lind..... Wm. H. Callahan... | Food and drug laboratory, U. S. appraiser's stores. Food and drug laboratory, U. S. appraiser's stores. Food and drug laboratory, U. S. appraiser's stores. | 21 Carnegie Ave., East Orange, N. J. 396 Essex St., Brooklyn, N. Y. 111 W. 11th St., c/o Guion. |
| Norfolk, Va.: J. S. G. Gallagher .. | Customhouse..... | 58 York Place. |
| Oklahoma City, Okla.: Fred H. Gray..... | 403 Baltimore Building..... | 218 West 7th St |
| Omaha, Nebr.: Henry B. Evans.... | Food and drug laboratory, post office building. | 236 North Second St., Council Bluffs, Iowa. |

Names and addresses of inspectors—Continued.

| Inspector. | Official address. | Residence. |
|-------------------------------------------|--------------------------------------------------------|---------------------------------------------|
| Philadelphia, Pa. William H. Jenkins. | Food and drug laboratory, U. S. appraiser's stores. | 1716 N. Aberdeen St. |
| Andrew J. McIntyre | Food and drug laboratory, U. S. appraiser's stores. | ..... . |
| Pittsburg, Pa.: Charles A. Meserve.. | Food and drug laboratory, Park Building. | 952 Bank St., Beaver, Pa. |
| St. Louis, Mo.: W. R. M. Wharton.. | Food and drug laboratory, Wright Building. | 6118 Washington Boule- vard. |
| William H. Hartigan | Food and drug laboratory, Wright Building. | 3917 Delmar Boulevard. |
| St. Paul, Minn.: Daniel M. Walsh... | Food and drug laboratory, Old Capitol Building. | Y. M. C. A. Building. |
| Salt Lake City, Utah: W. W. Paine..... | Customhouse..... | University Club. |
| San Francisco, Cal.: H. C. Moore..... | Food and drug laboratory, U. S. appraiser's stores. | 1877 Eighteenth Ave., "Sunset District." |
| Savannah, Ga. John J. McManus... | Food and drug laboratory, customhouse. | 401 W. Oglethorpe Ave. |

Names and addresses of inspectors—Continued.

| Inspector. | Official address. | Residence. |
|------------------------------------------|-----------------------------------------------------|--------------------|
| Seattle, Wash.: E. A. McDonald..... | Food and drug laboratory, Arcade Annex Building. | 4332 Meridian Ave. |
| Spokane, Wash.: Grant J. Morton.... | 326 Federal Building | Hotel Upton. |
| Springfield, Mass.: C. E. Holton..... | 417 Beese Building..... | 267 Bay St. |
| Tucson, Ariz.: Max A. Rex..... | Santa Rita Hotel..... | Santa Rita Hotel. |

NAMES AND ADDRESSES OF COMMISSIONED STATE OFFICIALS.

California: Martin Regensburger, president State board of health, Sacramento.

Colorado: W. F. Cannon, food commissioner, State board of health, Denver.

Connecticut: H. F. Potter, dairy commissioner, Hartford.

District of Columbia: W. C. Woodward, health officer, Washington.

H. F. Sawtelle, assistant health officer, Washington.

Georgia: T. G. Hudson, commissioner of agriculture, Atlanta.

Idaho: J. H. Wallis, pure food commissioner, Boise.

Illinois: A. H. Jones, State food commissioner, Chicago.

Indiana: H. E. Barnard, State food and drug commissioner, Indianapolis.

Iowa: W. B. Barney, State food and dairy commissioner, Des Moines.

Kansas: S. J. Crumbine, chief food and drug inspector, Lawrence.

Kentucky: M. A. Scovell, director, agricultural experiment station, Lexington.

Maine: Chas. D. Woods, director, agricultural experiment station, Orono.

Maryland: W. B. D. Penniman, division of agriculture and food chemistry, Baltimore.

Michigan:

Missouri: W. P. Cutler, commissioner, department of food and drug inspection, Columbia.

Nebraska:

Nevada: S. C. Dinsmore, chemist in charge of food control, Reno.

New Hampshire: Irving A. Watson, State board of health, Concord.

New Jersey: Bruce S. Keator, secretary, State board of health, Trenton.

New York: Raymond A. Pearson, commissioner of agriculture, Albany.

North Carolina: W. A. Graham, commissioner of agriculture, Raleigh.

North Dakota: E. F. Ladd, food commissioner, Agricultural College.

Oklahoma: Edwin De Barr, director, State pure food and drug laboratories, Norman.

B. F. Hamilton, Shawnee.

Pennsylvania: James Foust, dairy and food commissioner, Harrisburg.

South Carolina: Robert Wilson, jr., chairman, board of health, Charleston.

South Dakota: Alfred N. Cook, State food commissioner, Vermilion.

Tennessee: Lucius P. Brown, State food and drug inspector, Nashville.

Texas: J. S. Abbott, dairy and food commissioner, Denton.

Utah: Willard Hansen, State dairy and food commissioner, Salt Lake City.

Virginia: Wm. D. Saunders, dairy and food commissioner, Richmond.

Vermont: Henry D. Holton, secretary, State board of health, Brattleboro.

Washington: L. Davies, dairy and food commissioner, Davenport.

Wyoming: E. W. Burke, dairy, food, and oil commissioner, Cheyenne.

NAMES AND ADDRESSES OF COLLABORATING CHEMISTS.

California: George E. Colby, California State University, Berkeley.

Colorado: Edward C. Hill, chemist, health board, Denver.

Connecticut: John P. Street, chemist in charge, Agricultural Experiment Station, New Haven.

Delaware: Herbert J. Watson, chemist, State board of health, Newark.

District of Columbia: Louis V. Dieter, health department, Washington.

Joseph J. Kinyoun, health department, Washington.

Morris A. Pozen, health department, Washington.

Georgia: R. E. Stallings, State chemist, Department of Agriculture, Atlanta.

Idaho: Claude D. Mason, chemist, State board of health, Boise.

Illinois: Thomas J. Bryan, State analyst, 1623 Manhattan Building, Chicago.

Indiana: H. E. Barnard, State food and drug commissioner, Indianapolis.

Iowa: J. R. Chittick, chemist, office of State food and dairy Commissioner, Des Moines.

Kansas: E. H. S. Bailey, food chemist, State board of health, Lawrence.

L. A. Fitz, State Agricultural College, Manhattan.

Kentucky: J. O. La Bach, chief chemist, Agricultural Experiment Station, Lexington.

Louisiana: Hamilton P. Jones, food commissioner, State board of health, New Orleans.

Maine: James M. Bartlett, chemist, Agricultural Experiment Station, Orono.

Maryland: W. B. D. Penniman, chemist, State board of health, Baltimore.

Michigan: Fern L. Shannon, State analyst, State dairy and food department Lansing.

Minnesota: Julius Hortvet, chemist, dairy and food department, St. Paul.

Missouri: P. F. Trowbridge, Agricultural College Experiment Station, Columbia.

Nebraska: E. L. Redfern, State chemist, food, dairy, and drug commission, Lincoln.

Nevada: Sanford C. Dinsmore, chemist, Agricultural Experiment Station, Reno.

New Hampshire: Charles D. Howard, State chemist, State board of health, Concord.

New Jersey: Raymond B. Fitz Randolph, State board of health, Trenton.

New York: E. L. Baker, Agricultural Experiment Station, Geneva.

E. J. Wheeler, chemist, Department of Agriculture, Albany.

North Carolina: W. M. Allen, food chemist, Department of Agriculture, Raleigh.

North Dakota: E. F. Ladd, commissioner, Agricultural Experiment Station, Agricultural College.

Ohio: William McPherson, chemist, State dairy and food department, Columbus.

Oklahoma: Edwin De Barr, director of pure food and drug laboratory, Norman.

Pennsylvania: William Frear, chemist, dairy and food commission, State college.

South Carolina: Francis L. Parker, jr., chemist and bacteriologist, State board of health, Charleston.

South Dakota: Alfred N. Cook, food and drug commissioner, Vermilion.

James H. Shepard, food and dairy commissioner, Brookings.

Tennessee: Lucius P. Brown, pure food and drug inspector, Nashville.

Texas: P. S. Tilson, assistant chemist, dairy and food commission, Houston.

Utah: Herman Harms, State chemist, dairy and food bureau, Salt Lake City.

Vermont: H. L. Thomson, chemist, State board of health, Burlington.

Virginia: C. M. Bradbury, assistant chemist, Department of Agriculture and Immigration, Richmond.

Washington: Elton Fulmer, chemist, dairy and food commission, Pullman.

Wisconsin: Richard Fischer, State chemist, dairy and food commission, Madison.

Wyoming: Henry G. Knight, State chemist, dairy, food, and oil commission, Laramie.

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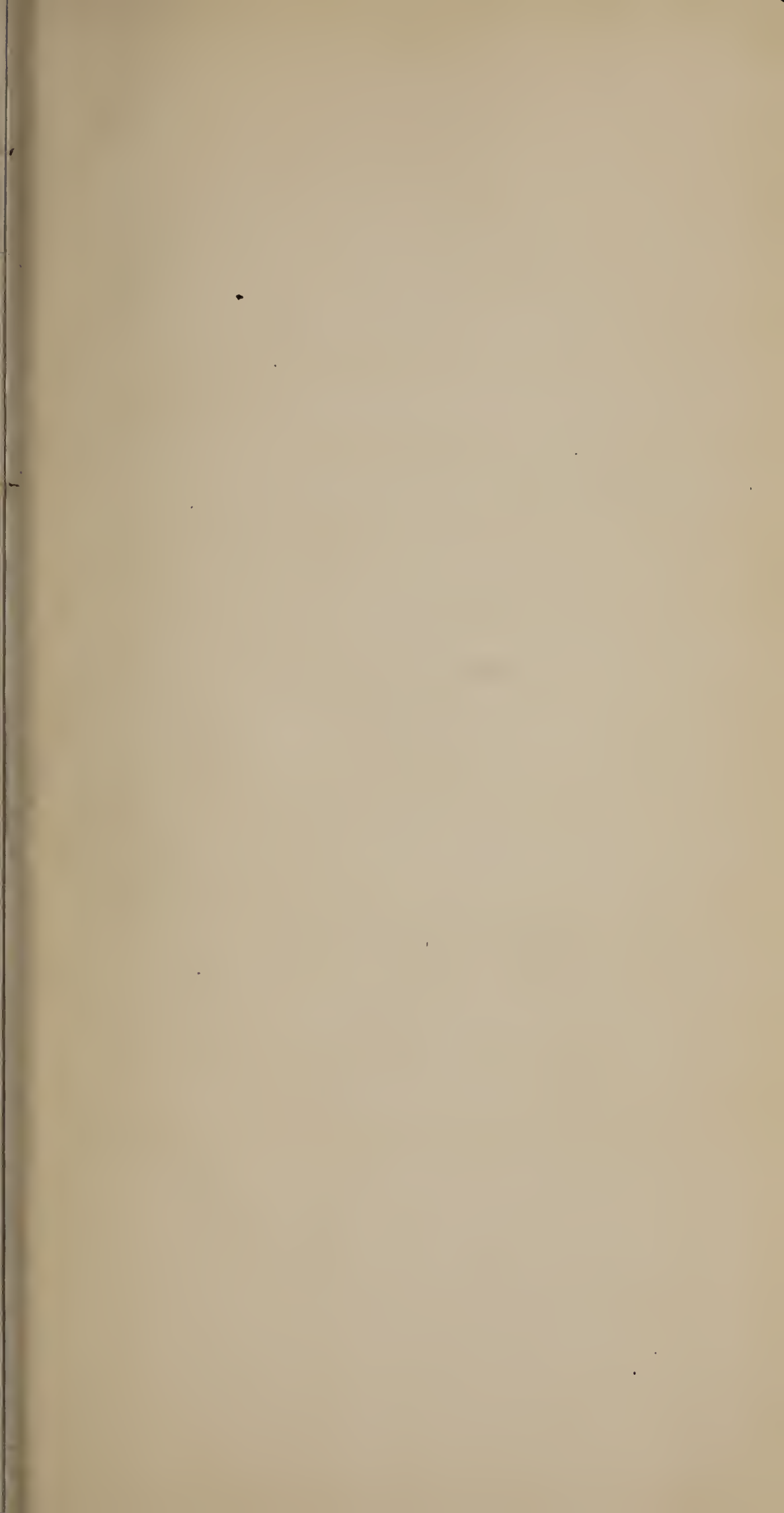
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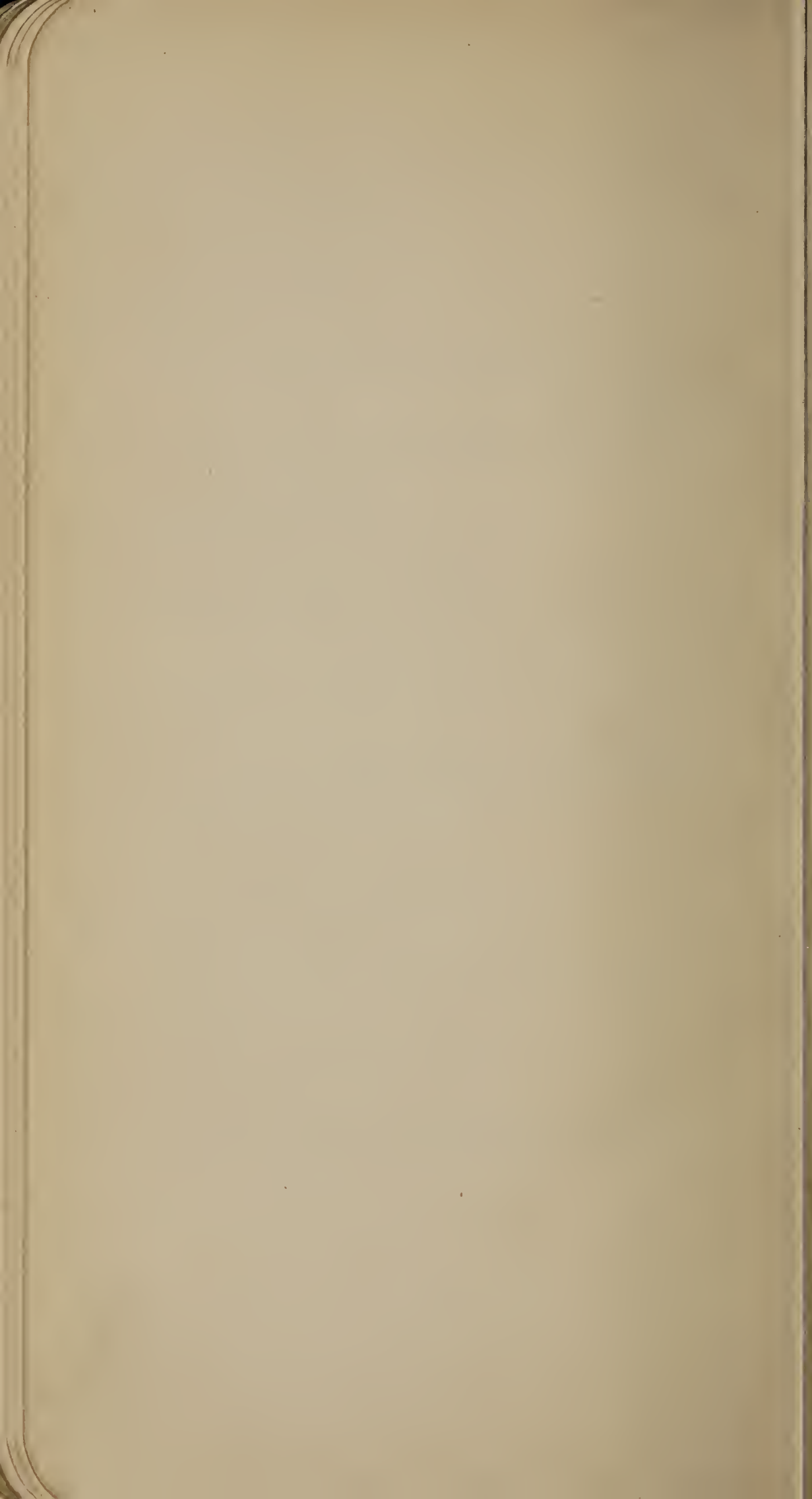
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